

## **IC 16-20**

### **ARTICLE 20. LOCAL HEALTH DEPARTMENTS**

#### **IC 16-20-1**

##### **Chapter 1. Powers and Duties of Local Health Departments**

#### **IC 16-20-1-1**

##### **Application; limited area**

Sec. 1. (a) Powers and duties described in this chapter and IC 16-20-8 apply to all local health officers and local health boards. However, this article does not apply to a county that is subject to IC 16-22-8.

(b) The powers and jurisdiction of a local health officer or local board are limited to the area in which the officer or board serves.  
*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-2**

##### **Operation as local government agency**

Sec. 2. A local health department shall operate as an agency of local government administratively responsible to the appropriate county or city executive.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-3**

##### **Procedural rules**

Sec. 3. The board of each local health department may adopt procedural rules for the board's guidance and to establish administrative and personnel policies of the local health department that are consistent with the administrative operating policy of the appointing authority.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-4**

##### **Board organization and officers**

Sec. 4. The board of each local health department shall, immediately after appointment, meet and organize. The board shall elect a chairman, vice chairman, and other officers the board considers necessary.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-5**

##### **Annual budget**

Sec. 5. The board of each local health department shall submit an annual budget to the county executive, county fiscal body, and city fiscal body concerned with approval of the budget at the regular time for consideration of annual budgets.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-6****Offices and equipment**

Sec. 6. The board of each local health department shall provide, equip, and maintain suitable offices, facilities, and appliances for the health department.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-7****Annual report**

Sec. 7. The board of each local health department shall publish in pamphlet form, within ninety (90) days after January 1, for free distribution, an annual report for the previous year showing the following:

- (1) The amount of money received from all sources.
- (2) The name of any donor.
- (3) How all money has been expended and for what purpose.
- (4) Other statistics and information concerning the work of the health department that the board considers to be of general interest.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-8****Health and planning services contracts**

Sec. 8. (a) The board of each local health department may enter into contract with the state department, other local boards of health, other units of government, a private individual, or a corporation for the provision of health services within the board's jurisdiction. The private contracts are subject to approval of the county executive or city executive.

(b) A local board of health, a county executive, or a city fiscal body may contract with or purchase from any individual, organization, limited liability company, partnership, or corporation planning services considered essential to the development of an effective community health program.

*As added by P.L.2-1993, SEC.3. Amended by P.L.8-1993, SEC.250.*

**IC 16-20-1-9****Duties of officers and employees**

Sec. 9. The board of each local health department shall prescribe the duties of all officers and employees.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-10****Records; minutes**

Sec. 10. The local health officer shall keep full and permanent records of the public health work of the local health department and minutes of all meetings of the board of the local health department.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-11****Monthly reports; approval; permanent records**

Sec. 11. The local health officer shall make a monthly report of the work done by the local health department to the board of the local health department. After the report is approved by the board, the local health officer shall make the report a permanent record.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-12****Activities reports to state department**

Sec. 12. Reports of local health department activities shall be made to the state department, as required by the rules of the state department.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-13****Local health officer or representative; consultative meetings with state department; expenses**

Sec. 13. (a) The local health officer or a representative of all county or city boards of health shall attend meetings of the state department, when requested by the state department, for consultation concerning any matter concerning public health.

(b) The expenses of the local health officer or representative must be paid out of the health fund of the county or the city where the board of health is established, in an amount determined by the local board of health.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-1-14****Personnel; delegation of duties on the basis of agent-principal relation; water well inspections**

Sec. 14. (a) Local health officers may appoint and employ public health nurses, environmental health specialists, computer programmers, clerks, other personnel, and an administrator of public health, subject to the confirmation of the local board of health, as is necessary and reasonable to carry out and perform the duties of the local health department.

(b) Except as provided in subsection (d), the employees of local health departments shall perform any of the duties of the health officer delegated by the health officer, with the approval of the local board of health, on the basis of an agent-principal relation.

(c) The public health personnel of local health departments:

- (1) must meet the minimum qualification requirements of the local board of health;
- (2) by local ordinance, become part of the county classification system for the respective public health personnel positions; and
- (3) shall perform additional duties prescribed by the rules of the state department and local board of health under the general

supervision of the local health officer.

(d) If an appointee or employee of a local health officer is not a licensed water well driller under IC 25-39-3, the appointee or employee may not inspect the drilling of a water well.

*As added by P.L.2-1993, SEC.3. Amended by P.L.105-1999, SEC.1; P.L.121-2007, SEC.1; P.L.134-2008, SEC.9.*

#### **IC 16-20-1-15**

##### **Compensation**

Sec. 15. (a) The board of city health departments shall recommend and the city fiscal body shall fix the compensation of employees of the city health department.

(b) The county fiscal body shall fix the compensation of the employees of county health departments, in the manner provided by IC 36-2-5 or IC 36-3-6, after consideration of the recommendations of the local board of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-16**

##### **Salaries and expenses; authorized payment**

Sec. 16. The board of each local health department shall authorize payment of salaries and all other department expenses from the proper fund.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-17**

##### **Vital statistics; birth and death records**

Sec. 17. (a) The local health officer shall collect, record, and report to the state department the vital statistics for the local health officer's area of jurisdiction.

(b) The local health officer shall be the registrar of births and deaths. After making a birth or death record, the local health officer shall, by the fourth day of each month, forward the original record to the state department.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-18**

##### **Financial assistance; approval**

Sec. 18. A health officer may, on behalf of the local board of health, receive financial assistance from an individual, an organization, or the state or federal government. The financial assistance must be approved by the county executive or city fiscal body and the local board of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-19**

##### **Enforcement**

Sec. 19. Local health officers shall enforce the health laws,

ordinances, orders, rules, and regulations of the officer's own and superior boards of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-20**

##### **Proposed rules and ordinances; fiscal impact statement**

Sec. 20. A proposed rule of the state department or a local board of health mandating additional or revised local services must include a general fiscal impact statement of the rule or ordinance.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-21**

##### **Communicable disease control; powers**

Sec. 21. Each local health board has the responsibility and authority to take any action authorized by statute or rule of the state department to control communicable diseases. The board of each local health department or a designated representative may make sanitary and health inspections to carry out this chapter and IC 16-20-8.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-22**

##### **Sanitary inspections and surveys of public buildings and institutions**

Sec. 22. Local health officers may make sanitary inspections and surveys of all public buildings and institutions.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-23**

##### **Inspection of private property by local health officer; consent by owner; exceptions; court order; property in which officer has interest**

Sec. 23. (a) Upon:

- (1) showing official identification; and
- (2) except as provided in subsection (b), receiving consent of the owner or occupant of the premises;

a local health officer or the officer's designee may enter any premises at any reasonable time and 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 for the prevention and suppression of disease.

(b) A local health officer or the officer's designee shall obtain the consent of the owner or the occupant of the premises under subsection (a), except as provided in any of the following circumstances:

- (1) Subject to subsection (c), the local health officer or the officer's designee obtains an order from a circuit or superior court in the jurisdiction where the premises is located to

authorize the inspection, investigation, evaluation, testing, or taking of specimens or samples for testing.

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

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

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

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

(d) However, a local health officer, or the officer's designee, 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.

(e) 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.

*As added by P.L.2-1993, SEC.3. Amended by P.L.122-2012, SEC.1.*

#### **IC 16-20-1-24**

##### **Epidemic control; powers**

Sec. 24. (a) Local health officers may order schools and churches closed and forbid public gatherings when considered necessary to prevent and stop epidemics.

(b) An individual who takes action under this section shall comply with state laws and rules.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-25**

##### **Unlawful conditions; abatement order; enforcement; providing false information**

Sec. 25. (a) A person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease.

(b) A health officer, upon receiving a complaint asserting the existence of unlawful conditions described in subsection (a) within the officer's jurisdiction, shall document the complaint as provided in subsection (d). Upon verifying the information contained in the

complaint, the health officer shall order the abatement of those conditions. The order must:

- (1) be in writing;
- (2) specify the conditions that may transmit disease; and
- (3) name the shortest reasonable time for abatement.

(c) If a person refuses or neglects to obey an order issued under this section, the attorney representing the county of the health jurisdiction where the offense occurs shall, upon receiving the information from the health officer, institute proceedings in the courts for enforcement. An order may be enforced by injunction. If the action concerning public health is a criminal offense, a law enforcement authority with jurisdiction over the place where the offense occurred shall be notified.

(d) A complaint made under subsection (b) must include adequate details to allow the health officer to verify the existence of the unlawful conditions that are the subject of the complaint. A health officer shall provide a copy of a complaint upon request to the person who is the subject of the complaint.

(e) A person who provides false information upon which a health officer relies in issuing an order under this section commits a Class C misdemeanor.

*As added by P.L.2-1993, SEC.3. Amended by P.L.97-2012, SEC.16; P.L.292-2013, SEC.10.*

#### **IC 16-20-1-26**

##### **Injunctive enforcement; legal representation of health authorities**

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. The court may take any appropriate action in a proceeding under this section, including any of the 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 an amount set forth in IC 36-1-3-8(a)(10).
- (9) Imposing court costs and fees under IC 33-37-4-2 and IC 33-37-5.
- (10) Ordering the respondent to take appropriate action in a specified time to comply with the order of the local board of health or local health officer.
- (11) Ordering a local board of health or local health officer to take appropriate action to enforce an 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.

*As added by P.L.2-1993, SEC.3. Amended by P.L.122-2012, SEC.2.*

#### **IC 16-20-1-27**

##### **Service fees; disposition**

Sec. 27. The board of each local health department may, with the approval of the county or city executive, establish and collect fees for specific services and records established by local ordinances and state law. However, fees may not exceed the cost of services provided. The fees shall be accounted for and transferred to the health fund of the taxing jurisdiction.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-28**

##### **Removal of local health officers; grounds; hearing rights**

Sec. 28. (a) A local health officer may be removed only for failure to:

- (1) perform the officer's statutory duties; or
- (2) enforce the rules of the state department.

(b) Except as provided in IC 16-19-3-12, IC 16-19-3-13, and IC 16-19-3-15, a local health officer may be removed only by the board that appointed the health officer.

(c) When removal of a local health officer is sought by the appointing authority, the local health officer is entitled to the following:

- (1) At least five (5) days notice.
- (2) An open hearing.
- (3) Representation by counsel.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-1-29**

##### **Rights of employees of local health department under prior law**

Sec. 29. (a) The employees of a local health department under IC 16-1-5 (before its repeal), IC 16-1-6 (before its repeal), or IC 16-1-7 (before its repeal) become employees of the local health department established under IC 16-1-3.8 (before its repeal, now codified at IC 16-20-2) or IC 16-1-3.9 (before its repeal, now codified at IC 16-20-3) under P.L.40-1989.

(b) P.L.40-1989 does not affect the vacation, sick leave, insurance, or retirement benefits acquired by an employee of a local health department under IC 5-10.3, IC 16-1-5 (before its repeal), IC 16-1-6 (before its repeal), or IC 16-1-7 (before its repeal).

*As added by P.L.220-2011, SEC.310.*

**IC 16-20-1-30**

**Rights of employees of certain city-county health departments under prior law**

Sec. 30. (a) In a county having a population of more than two hundred seventy thousand (270,000) and less than four hundred thousand (400,000), as reported by the 1980 decennial census, employees who were employees of a city-county health department under IC 16-1-7-16 (before its repeal) on December 31, 1985, are entitled to the benefits relating to vacation, sick leave, insurance, and clothing allowance permitted under IC 16-1-7-16 (before its repeal).

(b) The benefits provided under subsection (a) are subject to satisfactory job performance.

*As added by P.L.220-2011, SEC.311.*

## **IC 16-20-2**

### **Chapter 2. Local Boards of Health**

#### **IC 16-20-2-1**

##### **Application of chapter**

Sec. 1. This chapter does not apply to a county that is subject to IC 16-22-8.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-2**

##### **Establishment and maintenance of local health department; adoption of health ordinances**

Sec. 2. (a) Except as provided in IC 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b) The executive of a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000) may only establish and maintain one (1) local health department having countywide jurisdiction.

(c) The county executive in a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000) may adopt health ordinances that apply to the entire county.

(d) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000) is void.

*As added by P.L.2-1993, SEC.3. Amended by P.L.2-1993, SEC.127; P.L.87-1994, SEC.7; P.L.95-1994, SEC.1; P.L.170-2002, SEC.98; P.L.119-2012, SEC.124.*

#### **IC 16-20-2-2.5**

##### **Legalization of certain health ordinances by Tippecanoe County adopted after December 31, 1993, and before March 11, 1994**

Sec. 2.5. A health ordinance adopted by the county executive of Tippecanoe County that:

(1) was adopted after December 31, 1993, and before March 11, 1994; and

(2) applies to the entire county;

is legalized.

*As added by P.L.220-2011, SEC.312. Amended by P.L.119-2012, SEC.125.*

#### **IC 16-20-2-3**

##### **Management of local health departments**

Sec. 3. A local board of health shall manage each local health department established under this chapter.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-4**

##### **Composition of board**

Sec. 4. A local board of health is composed of seven (7) members, not more than four (4) of whom may be from the same political party.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-5**

##### **Membership selection criteria**

Sec. 5. The members of a local board of health shall be chosen as follows:

- (1) Four (4) persons knowledgeable in public health, at least two (2) of whom are licensed physicians. The other two (2) appointees may be any of the following:
  - (A) A registered nurse licensed under IC 25-23.
  - (B) A registered pharmacist licensed under IC 25-26.
  - (C) A dentist licensed under IC 25-14.
  - (D) A hospital administrator.
  - (E) A social worker.
  - (F) An attorney with expertise in health matters.
  - (G) A school superintendent.
  - (H) A veterinarian licensed under IC 25-38.1.
  - (I) A professional engineer registered under IC 25-31.
  - (J) An environmental scientist.
- (2) Two (2) representatives of the general public.
- (3) One (1) representative described in either subdivision (1) or (2).

*As added by P.L.2-1993, SEC.3. Amended by P.L.2-2008, SEC.39.*

#### **IC 16-20-2-6**

##### **Appointment of members**

Sec. 6. Except as provided in section 7 of this chapter, the county executive shall appoint the members of a local board of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-7**

##### **Appointment of members in certain circumstances**

Sec. 7. (a) In the following counties, the county executive and the executive of the most populous city located in the county shall appoint the members of the local board of health:

- (1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (2) A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).
- (3) A county having a population of more than seventy-one thousand (71,000) but less than seventy-five thousand (75,000).

(b) Except as provided in subsection (c), the executive of each second class city shall appoint a number of members of the board in the proportion that the city's population is to the total county population to the nearest whole fraction. The appointments made under this subsection shall be made in order, according to the population of a city, with the city having the largest population making the first appointments. The county executive shall appoint the remaining number of members of the county board of health.

(c) The members of the local board of health in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000) shall be appointed as follows:

(1) Three (3) members shall be appointed by the executive of the most populous city in the county.

(2) Four (4) members shall be appointed by the county executive.

*As added by P.L.2-1993, SEC.3. Amended by P.L.191-1995, SEC.1; P.L.170-2002, SEC.99; P.L.119-2012, SEC.126.*

#### **IC 16-20-2-8**

##### **Removal of members**

Sec. 8. A member of a local board of health may be removed by the appointing authority if the board member does any of the following:

(1) Is absent from three (3) consecutive regular board meetings.

(2) Is absent from four (4) regular board meetings during a calendar year.

(3) Fails to perform the statutory duties of the office.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-9**

##### **Compensation of members**

Sec. 9. Members of a local board of health may receive compensation for the performance of their duties as determined by the county fiscal body.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-10**

##### **Term of office; staggered terms**

Sec. 10. (a) All members of a local board of health shall be appointed for a term of four (4) years.

(b) Unless otherwise required by law, after December 31, 1991, the board members serve staggered terms. The appointing authority shall appoint the members of a board in existence on December 31, 1991, and the initial members of a board established after December 31, 1991, as follows:

(1) One (1) member must be appointed for one (1) year.

(2) Two (2) members must be appointed for two (2) years.

(3) Two (2) members must be appointed for three (3) years.

(4) Two (2) members must be appointed for four (4) years.  
*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-11**

##### **Vacancies; qualified replacements**

Sec. 11. (a) Members of a local board of health continue to serve until their successors are appointed.

(b) When a vacancy occurs, the original appointing authority shall appoint a qualified person to serve the remainder of the unexpired term. A local board of health shall provide to the appointing authority a list of five (5) individuals, at least three (3) of whom must have professional experience in one (1) of the following areas:

- (1) Medicine.
- (2) Nursing.
- (3) Hospital administration.
- (4) Pharmacology.
- (5) Social work.
- (6) Dentistry.
- (7) Veterinary medicine.
- (8) Engineering.
- (9) Environmental science.
- (10) Legal profession.
- (11) School administration.

(c) The list must include at least one (1) licensed physician. The appointing authority may select an individual from the list when filling a vacancy.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-12**

##### **Conditions of membership**

Sec. 12. A member of a local board of health must meet the following conditions:

- (1) Be a citizen of the United States.
- (2) Reside in a county to which the local board of health provides health services.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-13**

##### **Conflict of interest**

Sec. 13. An individual who has a vested interest or stands to gain financially from any activity of the local health department or a policy decision of the board is ineligible to serve on a local health board.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-14**

##### **Election of chairman**

Sec. 14. At the first meeting of a local board of health each year,

the members shall elect a chairman.  
*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-15**

##### **Meetings; call; quorum**

Sec. 15. (a) Meetings may be called by any of the following:

- (1) The chairman.
- (2) Four (4) members of the local board of health.
- (3) The local health officer.

(b) A majority of the members constitutes a quorum for the transaction of business.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-16**

##### **Health officer; appointment; certification; reappointment; duties**

Sec. 16. (a) Each local board of health shall appoint a health officer to serve for a term of four (4) years. The health officer must be a licensed physician.

(b) The appointment shall be certified by the county executive and sent to the state department. The state department shall maintain a record of the certification.

(c) The health officer is eligible for reappointment.

(d) The health officer is the executive officer of the local health department and shall serve as secretary of the local board of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-17**

##### **Annual levy for maintenance of department; county health fund; appropriations; exception**

Sec. 17. (a) The fiscal body of a county in which a local health department has been authorized shall assess a levy annually on the assessed valuation of taxable property for the maintenance of the county health department.

(b) The taxes shall be paid into the county treasury and placed in a special fund to be known as the county health fund. The fund shall be used only for the purpose of this title and shall be drawn upon by the proper officers of the county upon the properly authenticated vouchers of the local health department.

(c) Each county fiscal body shall appropriate from the county health fund money necessary to maintain the local health department.

(d) A tax levy provided for in this chapter may not be made upon property within the corporate limits of any city maintaining the city's own full-time health department.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-2-18**

##### **Transfer of revenue to community health clinic in certain counties**

Sec. 18. (a) This section applies to a county having a population

of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000).

(b) Each year the county fiscal officer shall transfer to the community health clinic located in the county an amount equal to the revenue raised from a property tax rate of one hundred sixty-seven thousandths of one cent (\$0.00167) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the county.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

*As added by P.L.2-1993, SEC.128. Amended by P.L.6-1997, SEC.164; P.L.170-2002, SEC.100; P.L.119-2012, SEC.127.*

## **IC 16-20-3**

### **Chapter 3. Multiple County Health Departments**

#### **IC 16-20-3-1**

##### **Establishment; conditions; notice**

Sec. 1. (a) The county executives of at least two (2) adjacent counties may establish and maintain a multiple county health department if the following conditions are met:

- (1) The state department approves the establishment of a multiple county health department.
- (2) The county executive of each of the involved counties approves a separate ordinance establishing a multiple county health department.

(b) Upon establishment of a multiple county health department, the county executives shall notify the state department of the action.  
*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-2**

##### **Board members; qualifications; appointment**

Sec. 2. (a) There must be at least seven (7) members of a multiple county board of health.

(b) The county executives establishing a multiple county health department shall determine the following for the multiple county board of health:

- (1) The number of members.
- (2) The qualifications of members.
- (3) The number of appointments made by each county.

(c) The county executive of each county participating in a multiple county board of health shall appoint at least one (1) licensed physician.

(d) At least two-thirds (2/3) of the members appointed under this section must have expertise in public health. The appointees may be any of the following:

- (1) A registered nurse licensed under IC 25-23.
- (2) A registered pharmacist licensed under IC 25-26.
- (3) A dentist licensed under IC 25-14.
- (4) A hospital administrator.
- (5) A social worker.
- (6) An attorney with expertise in health matters.
- (7) A school superintendent.
- (8) A veterinarian licensed under IC 25-38.1.
- (9) A professional engineer registered under IC 25-31.
- (10) An environmental scientist.

*As added by P.L.2-1993, SEC.3. Amended by P.L.2-2008, SEC.40.*

#### **IC 16-20-3-3**

##### **Removal of board member; grounds**

Sec. 3. A member of a multiple county board of health may be

removed by the appointing authority if the board member does any of the following:

- (1) Is absent from three (3) consecutive regular board meetings.
- (2) Is absent from four (4) regular board meetings during a calendar year.
- (3) Fails to perform required statutory duties.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-4**

##### **Compensation of board members**

Sec. 4. Members of a multiple county board of health may receive compensation for the performance of their duties as determined by the fiscal body of the county from which the members were appointed.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-5**

##### **Term of office; staggered terms**

Sec. 5. (a) Each member of a multiple county board of health shall be appointed for a term of four (4) years.

(b) Unless otherwise required by law, after December 31, 1991, board members serve staggered terms. The appointing authority shall appoint members of a board in existence on December 31, 1991, and the initial members of a board established after December 31, 1991, as follows:

- (1) One (1) member shall be appointed for one (1) year.
- (2) Two (2) members shall be appointed for two (2) years.
- (3) Two (2) members shall be appointed for three (3) years.
- (4) Two (2) members shall be appointed for four (4) years.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-6**

##### **Vacancies; qualified replacements**

Sec. 6. (a) Members continue to serve until their successors are appointed. When a vacancy occurs, the original appointing authority shall appoint a qualified person to serve the unexpired term.

(b) Whenever a vacancy occurs on a multiple county board of health, the local board of health shall provide to the appointing authority a list of five (5) individuals, at least three (3) of whom must have professional experience in one (1) of the following areas:

- (1) Medicine.
- (2) Nursing.
- (3) Hospital administration.
- (4) School superintendent.
- (5) Pharmacology.
- (6) Dentistry.
- (7) Veterinary medicine.
- (8) Social work.

- (9) Legal profession.
- (10) Engineering.
- (11) Environmental science.

(c) The list must include at least one (1) licensed physician. The appointing authority may select an individual from the list when filling a vacancy.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-7**

##### **Election of chairman**

Sec. 7. At the first meeting of a multiple county board of health each year, the members shall elect a chairman.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-8**

##### **Meetings; call; quorum**

Sec. 8. (a) Meetings may be called by any of the following:

- (1) The chairman.
- (2) Four (4) members of the multiple county board of health.
- (3) The local health officer.

(b) A majority of the members constitutes a quorum for the transaction of business.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-9**

##### **Health officer; appointment; term; qualifications; certification; reappointment; duties**

Sec. 9. (a) A multiple county board of health shall appoint a health officer to serve for a term of four (4) years. The health officer must be a licensed physician.

(b) The appointment of the health officer shall be certified by the county executive of each participating county and sent to the state department for the state department's records.

(c) The health officer is eligible for reappointment.

(d) The health officer is the executive officer of the multiple county health department and shall serve as secretary of the multiple county board of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-3-10**

##### **Annual levy for maintenance of department; county health fund; appropriations**

Sec. 10. (a) The fiscal body of each county that has become a part of a multiple county health department by ordinance of the county executive shall assess a levy annually on the assessed valuation of taxable property for maintenance of the multiple county health department.

(b) The taxes shall be paid into the county treasury and placed in

a special fund to be known as the county health fund. The fund may be used only for the purpose of this title and may be drawn upon by the proper officers of the county upon the properly authenticated vouchers of the multiple county health department.

(c) Each county fiscal body shall appropriate from the county health fund money necessary to pay the fiscal body's apportioned share to maintain a multiple county health department in the proportion that the population of the county bears to the total population of all counties in the multiple county health department.  
*As added by P.L.2-1993, SEC.3.*

## **IC 16-20-4**

### **Chapter 4. City Health Departments in Second Class Cities**

#### **IC 16-20-4-1**

##### **Application of chapter**

Sec. 1. This chapter applies to city health departments in second class cities.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-2**

##### **City health department defined**

Sec. 2. As used in this chapter, "city health department" means a city health department in a second class city. The term includes a full-time local health department under this chapter.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-3**

##### **Formation and establishment**

Sec. 3. Formation and establishment of a city health department is subject to the approval of the city fiscal body.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-4**

##### **Jurisdiction in city with full-time health department**

Sec. 4. A county or multiple county health board and the board's officers do not have jurisdiction in any city having a full-time city health department.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-5**

##### **Authority of second class city to establish full-time city health department; exception in certain counties**

Sec. 5. (a) Except as provided in subsection (b), the legislative body of a second class city may by resolution provide for a full-time city health department.

(b) A local official, city legislative body, city fiscal body, or county may not establish a full-time or part-time city health department in a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000).

(c) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000) is void.

*As added by P.L.2-1993, SEC.3. Amended by P.L.87-1994, SEC.8; P.L.95-1994, SEC.2; P.L.170-2002, SEC.101; P.L.119-2012, SEC.128.*

#### **IC 16-20-4-5.5**

##### **Legalization of certain health ordinances by Tippecanoe County adopted after December 31, 1993, and before March 11, 1994**

Sec. 5.5. A health ordinance adopted by the county executive of Tippecanoe County that:

- (1) was adopted after December 31, 1993, and before March 11, 1994; and
- (2) applies to the entire county;

is legalized.

*As added by P.L.220-2011, SEC.313. Amended by P.L.119-2012, SEC.129.*

#### **IC 16-20-4-6**

##### **Health board membership; qualifications**

Sec. 6. The city health departments provided for by this chapter shall be managed by a board of health consisting of seven (7) members appointed by the city executive, not more than four (4) of whom belong to the same political party. At least three (3) of the members must be licensed physicians. At least one (1) of the members must be a licensed veterinarian.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-7**

##### **Terms of office; vacancies**

Sec. 7. (a) All members of the board shall be appointed for a term of four (4) years except that of the first appointees. The initial terms are as follows:

- (1) One (1) shall serve for a period of two (2) years.
- (2) Two (2) shall serve for a period of three (3) years.
- (3) Four (4) shall serve for a term of four (4) years.

(b) At the expiration of the respective terms, appointments shall be made to fill the vacancies for the following four (4) years.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-8**

##### **Vacancy; candidate list; qualifications**

Sec. 8. (a) Whenever a vacancy occurs on a board, the city board of health shall provide to the appointing authority a list of five (5) individuals, at least three (3) of whom must have professional experience in one (1) of the following areas:

- (1) Medicine.
- (2) Nursing.
- (3) Health care administration.
- (4) Pharmacology.
- (5) Dentistry.
- (6) Veterinary medicine.
- (7) Engineering.
- (8) Environmental science.

- (9) Social work.
- (10) Legal profession.
- (11) School administration.

(b) The list must include at least one (1) licensed physician. When filling a vacancy, the appointing authority may select from the list provided by the city board of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-9**

##### **Removal; grounds**

Sec. 9. A member of a city board of health may be removed by the appointing authority if the board member does any of the following:

- (1) Is absent from three (3) consecutive regular board meetings.
- (2) Is absent from four (4) regular board meetings in a calendar year.
- (3) Fails to perform the statutory duties of the office.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-10**

##### **Conflicts of interest**

Sec. 10. An individual who has a vested interest or may gain financially from any activity of the city health department or policy decision of the board is ineligible to serve on a city board of health.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-11**

##### **Organizational meeting; officers**

Sec. 11. The board of each full-time city health department shall, immediately after appointment, meet and organize by electing a chairman, vice chairman, and other officers the board considers necessary.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-12**

##### **Election meeting; regular meetings; special meetings**

Sec. 12. (a) The board of each city health department shall hold a meeting in January of each year, at which meeting officers shall be elected for the following calendar year.

(b) The board shall hold regular meetings quarterly in January, April, July, and October.

(c) The board shall hold special meetings:

- (1) on a written request signed by three (3) members and filed with the local health officer; or
- (2) on request of the health officer.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-13**

##### **Powers and duties**

Sec. 13. A board of health that manages a city health department under this chapter has the powers and duties prescribed for all health boards.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-14**

##### **Procedural rules**

Sec. 14. The board of each city health department may adopt procedural rules for the board's own guidance and as are necessary or desirable to protect, promote, or improve public health or to control disease not inconsistent with state statutes and rules of the state department.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-15**

##### **Offices and equipment**

Sec. 15. The board of each city health department shall provide, equip, and maintain suitable offices, facilities, and appliances for the health department.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-16**

##### **Officers and employees; duties; compensation; approval**

Sec. 16. (a) The board of each city health department shall prescribe the duties of all officers and employees.

(b) The board shall fix compensation of all officers and employees. However, in counties having joint city-county full-time health departments, the prescription of duties and fixing of compensation is subject to prior approval by the city legislative body and the county executive of cities and counties maintaining the department.

(c) The city board of health may recommend compensation for any officer or employee of the board subject to approval by the city fiscal body.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-4-17**

##### **Annual report; contents**

Sec. 17. The board of each city health department shall publish annually in pamphlet form, within ninety (90) days after the second Tuesday in January, for free distribution, an annual report showing the following:

- (1) As of January 1 of that year, the amount of money received from all sources.
- (2) The name of any donor.
- (3) How all money has been expended and for what purpose.
- (4) Other statistics and information concerning the work of the city health department as the board considers to be of general

interest.  
*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-18**  
**Communicable disease control; inspections**

Sec. 18. (a) The board of each city health department has the responsibility and authority to take any action authorized by state statute or rule of the state department to control communicable diseases.

(b) The board of each city health department or a designated representative may make sanitary and health inspections that are necessary to carry out the purposes of this chapter.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-19**  
**Disease control powers and duties**

Sec. 19. The board of each city health department shall do the following:

- (1) Investigate the existence of any contagious or infectious disease.
- (2) Adopt measures, not inconsistent with the rules of the state department, to arrest the progress of contagious or infectious disease.
- (3) Make all necessary sanitary and health investigations and inspections.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-20**  
**Health officers; qualifications; term of office**

Sec. 20. (a) The board of each city health department shall appoint a health officer. The appointment is subject to the approval of the city legislative body.

(b) The health officer is the executive officer for the department and shall serve as secretary of the local board.

(c) The health officer must meet the following conditions:

- (1) Be a citizen of the United States.
- (2) Be a licensed physician or be eligible for such a license.

(d) A health officer serves a term of four (4) years unless removed for cause as provided in this title.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-21**  
**Employment of personnel**

Sec. 21. A city health officer may appoint and employ the professional, clerical, and other employees that are necessary and reasonable to carry out and perform the duties of the department.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-22****Department expenses and salaries; payment; authorization**

Sec. 22. The board of each city health department shall authorize payment of salaries and all other department expenses from the proper fund.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-23****Professional employees; confirmation of appointment**

Sec. 23. The board of each city health department shall confirm the appointment of professional employees who are appointed by the health officers and who meet the qualification requirements of the local board for the respective professional employee positions.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-24****Annual budget; submission for approval**

Sec. 24. The board of each city health department shall submit an annual budget to the city fiscal body for approval of the annual budget at the regular time for consideration of annual budgets.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-25****Expenses appropriation; tax**

Sec. 25. The fiscal body of the city shall annually make the necessary appropriation for expenses of the full-time city health department even though the appropriation may exceed existing limitations. However, the tax may not exceed one (1) mill on each dollar (\$1) of assessed valuation of taxable property in addition to other health appropriations.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-26****Emergency appropriations**

Sec. 26. An appropriation may be made, as emergency appropriations are made, to provide for the expenses of the operation of a full-time city health department, until appropriations are made available by the next regular annual budget after the full-time city health department has been authorized.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-4-27****Transfer of revenue by cities in certain counties to county community health clinic**

Sec. 27. (a) This section applies to each city having a population of any of the following:

- (1) More than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600).

(2) More than sixty-five thousand (65,000) but less than seventy thousand (70,000).

(b) Each year the fiscal officer of each city shall transfer to the community health clinic located in the county in which the city is located an amount equal to the revenue raised from a property tax rate of sixty-seven hundredths of one cent (\$0.0067) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the city.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

*As added by P.L.2-1993, SEC.130. Amended by P.L.6-1997, SEC.165; P.L.170-2002, SEC.102; P.L.119-2012, SEC.130.*

## **IC 16-20-5**

### **Chapter 5. Area Boards of Health**

#### **IC 16-20-5-1**

##### **Authority to establish; jurisdiction**

Sec. 1. (a) If a multiple county sewer, water, wastewater, or similar district has been established under IC 13-26 or IC 13-3-2 (before its repeal), the affected counties may by concurrent resolution of each county executive establish an area board of health for the sole purposes of administering and enforcing, consistent with environmental management laws (as defined in IC 13-11-2-71), all state and local environmental statutes, rules, and ordinances relative to the maintenance of a high quality environmental level in the district.

(b) Area boards of health created under this chapter have jurisdiction with the board established under IC 13-13-8 and the department of environmental management within the uniform inspection and enforcement area established under section 5 of this chapter.

*As added by P.L.2-1993, SEC.3. Amended by P.L.1-1996, SEC.74; P.L.133-2012, SEC.182.*

#### **IC 16-20-5-2**

##### **Membership; term of office; vacancies**

Sec. 2. (a) An area board of health consists of two (2) members from each participating county board of health, to be selected by the appropriate county executive. In addition, the health officer of each participating county and the county treasurer from the participating county with the highest population are members.

(b) Members serve for terms of two (2) years, beginning on the first day of the first month following the date of the establishment of the area board of health.

(c) Appointments to fill vacancies may be made by the county executive of the county where the vacancy exists.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-5-3**

##### **Meetings**

Sec. 3. An area board of health shall meet at the call of the chairman, with the first meeting to be held during the first month following the date of establishment of the board.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-5-4**

##### **Officers**

Sec. 4. At the first meeting and annually thereafter, the area board of health shall elect a chairman and a vice chairman. One (1) of the health officers shall be designated to serve as secretary. The county

treasurer member serves as treasurer of the board.  
*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-5-5**

##### **Boundaries; hearings; notice**

Sec. 5. (a) An area board of health and the trustees of the multiple county sewer, water, wastewater, or similar district shall jointly establish boundary lines, which may not exceed the boundaries of the district, for a special uniform inspection and enforcement area.

(b) The area board of health shall publish notice of a hearing regarding the establishment of the area in at least two (2) newspapers of general circulation in each member county. The notice must inform the public of the public's right to appear and provide evidence on the matter.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-5-6**

##### **Powers and duties**

Sec. 6. To carry out the purposes of this chapter, the area board of health may do the following:

- (1) Adopt and enforce ordinances consistent with state law.
- (2) Employ qualified individuals or utilize existing qualified employees to perform inspection and enforcement duties.
- (3) Accept financial or in kind assistance from the state department, the department of environmental management, or any other source.
- (4) Collect fees.
- (5) Issue permits, after written agreement of the department of environmental management has been obtained.
- (6) Enter into contracts.
- (7) Adopt rules under IC 4-22-2 necessary to establish administrative policies and procedures.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-5-7**

##### **Annual budget; proration of costs; payment of expenses**

Sec. 7. (a) An area board of health shall prepare an annual budget and submit the budget to the county fiscal body of each participating county for review and approval.

(b) Each county fiscal body shall appropriate that county's proportionate share of the costs to be incurred by the area board of health. Each county's proportionate share shall be based on that county's percentage of the population of the entire district.

(c) Money appropriated by each participating county shall be remitted to the treasurer of the area board of health. Transfer of funds from each participating county shall be made by claim allowed by the appropriate county executive. Expenses of the area board of health shall be paid only after claims have been allowed by the area board

of health.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-5-8**

**Fees and fines; collection; records**

Sec. 8. Fees and fines collected by the area board of health shall be collected by a person designated by the area board of health. Accurate records shall be kept of all fees and fines collected.

*As added by P.L.2-1993, SEC.3.*

## **IC 16-20-6**

### **Chapter 6. Acceptance of Gifts for County or City Health Department Buildings**

#### **IC 16-20-6-1**

##### **Authority to accept gifts to erect and equip building; use**

Sec. 1. (a) The executive of a county or the fiscal body of a city may accept gifts, devises, and bequests, in trust or otherwise, for the purpose of erecting and equipping a suitable building for the county or city health department.

(b) The building may contain the offices of local health officers, local boards of health, and other facilities and equipment that will serve to promote the efficient operation of local health boards and officers and best serve the community's public health administration.  
*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-6-2**

##### **Form of gift; conversion into cash; separate account for proceeds**

Sec. 2. (a) The gifts, devises, and bequests accepted under this chapter may be in the form of cash or real, personal, or mixed property that, in accordance with the terms of a gift, devise, or bequest, may be converted into cash by the county executive or city fiscal body as follows:

- (1) If real property, by sale as county and city real property may be sold.
- (2) If personal property, by sale at private sale through the office of auditor, clerk, or clerk-treasurer, upon two (2) weeks publication of notice.

(b) The sale may be continued from day to day and shall be approved by the county executive or city fiscal body before the execution of a bill of sale. The auditor, clerk, or clerk-treasurer may execute bills of sale.

(c) Revenues realized from the gifts, devises, and bequests must be kept in a separate account for the purposes specified in this chapter. However, the account may not be permitted to exceed one dollar and fifty cents (\$1.50) per capita of the population of the county or city.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-6-3**

##### **Construction and equipment of building**

Sec. 3. Upon the accumulation of a sufficient amount to construct and equip a building for the county or city health department as provided in this chapter, the county executive or city fiscal body may, after consultation with local health boards and officers and after approval of plans and specifications by the state department, provide for the construction and equipment of the building.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-6-4****Real property acquisition; surplus funds; tax for maintenance**

Sec. 4. (a) Real property and easements or appurtenances may be acquired by any of the following methods:

- (1) Gift as provided in section 1 of this chapter.
- (2) Purchase with money accepted for that purpose.
- (3) Condemnation proceedings as prescribed by statute.

(b) Upon condemnation, all damages must be paid from the money accepted as provided in section 1 of this chapter. All money remaining in the account after the construction and equipment of the building may be used for the maintenance of the building. The county or city may levy a tax sufficient to maintain the buildings when constructed as provided in this chapter.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-6-5****Alternative use for gifts if insufficient for building**

Sec. 5. A gift, grant, or conveyance made under this chapter is upon the implied condition that if sufficient money is not available within ten (10) years of the acceptance of the gift, grant, or conveyance, the property or the proceeds from the property, may be used by the county or city, with the approval of the court having probate jurisdiction in the county, for a purpose that will promote the general health of the people of the county or city.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-7**

**Chapter 7. Assistance by Cities and Counties to Public Health Nursing Associations**

**IC 16-20-7-1**

**Appropriations authorized**

Sec. 1. A city or county may appropriate money out of the general fund of the city or county to assist incorporated public health nursing associations, organized and operated not-for-profit and solely for the promotion of public health and the suppression of disease, in carrying on the work of the public health nursing associations within the city or county.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-7-2**

**Limitations on appropriations**

Sec. 2. The amount appropriated under section 1 of this chapter may not exceed the amount that could be collected from annually levying a tax on each one hundred dollars (\$100) valuation of taxable property in the city or county as follows:

(1) For a city, one and sixty-seven hundredths cents (\$0.0167).

(2) For a county, thirty-three hundredths of one cent (\$0.0033).

*As added by P.L.2-1993, SEC.3. Amended by P.L.6-1997, SEC.166.*

## **IC 16-20-8**

### **Chapter 8. Food Service Inspections**

#### **IC 16-20-8-1**

##### **"Checklist" defined**

Sec. 1. As used in this chapter, "checklist" refers to a food service establishment inspection report checklist form prepared by the state department.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-8-2**

##### **"Narrative report" defined**

Sec. 2. As used in this chapter, "narrative report" refers to a food service establishment inspection report narrative form prepared by the state department.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-8-3**

##### **Checklist explaining narrative report**

Sec. 3. Whenever an authorized representative of a local health department or the state department uses a checklist, the representative must complete a narrative report that explains the checklist.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-8-4**

##### **Narrative report; time for completion**

Sec. 4. The narrative report required under this chapter must be completed at the same time the checklist is completed.

*As added by P.L.2-1993, SEC.3.*

#### **IC 16-20-8-5**

##### **Inspection report review; written response**

Sec. 5. Except as provided in section 8 of this chapter, a food service establishment that is the subject of inspection reports such as checklists or narrative reports must have an opportunity to review the reports and submit to the local health department a written response to the reports. If a written response is submitted to the local health department:

(1) within the time stated for abatement of the alleged violations; or

(2) within ten (10) calendar days after the completion of the inspection reports;

whichever is earlier, the written response must be attached to and becomes part of the inspection reports.

*As added by P.L.2-1993, SEC.3. Amended by P.L.190-1995, SEC.2.*

#### **IC 16-20-8-6**

**Inspection and copying of documents**

Sec. 6. After the checklist, the narrative report, and the written response are completed, the checklist, the narrative report, and the written response may be inspected and copied under IC 5-14-3.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-8-7****Inspection and copying of checklist and narrative report in absence of written response**

Sec. 7. If a written response is not submitted within the time described in section 5 of this chapter, the checklist and the narrative report may be inspected and copied under IC 5-14-3 immediately after the expiration of that period of time.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-8-8****Immediate inspection and copying of checklist and narrative report; conditions**

Sec. 8. Notwithstanding sections 6 and 7 of this chapter, the checklist, the narrative report, and the related public records may upon completion be inspected and copied under IC 5-14-3 if a local health department takes any of the following actions with respect to a food service establishment that is the subject of the records:

- (1) Schedules a hearing by the local health department or a designee.
- (2) Orders closure.
- (3) Requests revocation of a permit.
- (4) Finds the existence of an imminent danger to public health or a gross deception of or fraud upon the consumer.

*As added by P.L.2-1993, SEC.3. Amended by P.L.190-1995, SEC.3.*

**IC 16-20-8-9****Forms**

Sec. 9. The state department shall provide to local health departments the forms used under this chapter.

*As added by P.L.2-1993, SEC.3.*

**IC 16-20-9**  
**Chapter 9. Penalties**

**IC 16-20-9-1**  
**Violations**

Sec. 1. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this article commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.  
*As added by P.L.2-1993, SEC.3.*