Sea Grant
LAW CENTER

PFAS-related Law and Regulatory Provisions

Indiana

Laws

- Ind. Code § 36-8-10.7-1 to 36-8-10.7-8 - Use of Firefighting Foam Containing PFAS Chemicals
- Ind. Code § 36-8-27-1 to 36-8-27-2 - PFAS-Free Firefighter Gear
- Ind. Code § 10-19-13 - PFAS Biomonitoring Pilot Program

West's Annotated Indiana Code
Title 36. Local Government (Refs & Annos)
Article 8. Public Safety
Chapter 10.7. Use of Firefighting Foam Containing Pfas Chemicals

IC 36-8-10.7-1

36-8-10.7-1 “Class B firefighting foam”

Effective: July 1, 2020
Currentness

Sec. 1. As used in this chapter, “Class B firefighting foam” means a foam intended for use in extinguishing flammable liquid fires.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-1, IN ST 36-8-10.7-1
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IC 36-8-10.7-2

36-8-10.7-2 “Person”

Effective: July 1, 2020
Currentness

Sec. 2. As used in this chapter, “person” means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-2, IN ST 36-8-10.7-2
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IC 36-8-10.7-3

36-8-10.7-3 “PFAS chemical”

Effective: July 1, 2020
Currentness

Sec. 3. As used in this chapter, “PFAS chemical” means any chemical of a class of fluorinated organic chemicals, including:

(1) perfluoroalkyl substances; and

(2) polyfluoroalkyl substances;

that contains at least one (1) fully fluorinated carbon atom and is used in firefighting agents.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-3, IN ST 36-8-10.7-3
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IC 36-8-10.7-4

36-8-10.7-4 “State agency”

Effective: July 1, 2020
Currentness

Sec. 4. As used in this chapter, “state agency” means any agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-4, IN ST 36-8-10.7-4
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IC 36-8-10.7-5

36-8-10.7-5 “Testing”

Effective: July 1, 2020
Currentness

Sec. 5. As used in this chapter, “testing” includes:

(1) calibration testing;

(2) conformance testing; and

(3) fixed and mobile system testing.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-5, IN ST 36-8-10.7-5
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IC 36-8-10.7-6

36-8-10.7-6 Prohibition against added PFAS; training

Effective: July 1, 2020
Currentness

Sec. 6. After June 30, 2020, a person, unit, or state agency:

(1) shall not use for training purposes a Class B firefighting foam that contains an intentionally added PFAS chemical; and

(2) for the purposes of training firefighters in the use of firefighting foam, may use only training foam that does not contain intentionally added PFAS chemicals.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-6, IN ST 36-8-10.7-6
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IC 36-8-10.7-7

36-8-10.7-7 Prohibition against added PFAS; testing

Effective: July 1, 2020
Currentness

Sec. 7. (a) After June 30, 2020, a person, unit, or state agency shall not use for testing purposes a Class B firefighting foam that contains intentionally added PFAS chemicals unless the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the Class B firefighting foam to the environment.

(b) Subsection (a) applies regardless of whether the testing is required by law or by a unit or state agency having authority concerning testing by firefighters.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-7, IN ST 36-8-10.7-7
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IC 36-8-10.7-8

36-8-10.7-8 Manufacture, sale, or distribution of Class B firefighting foam containing added PFAS chemicals; use

Effective: July 1, 2020
Currentness

Sec. 8. This chapter does not prohibit or restrict:

(1) the manufacture, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals; or

(2) the use of Class B firefighting foam that contains intentionally added PFAS chemicals in:

(A) an emergency firefighting operation; or

(B) an emergency fire prevention operation.

Credits
As added by P.L.22-2020, SEC.1, eff. July 1, 2020.

I.C. 36-8-10.7-8, IN ST 36-8-10.7-8
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IC 36-8-27-2

36-8-27-2 Purchase of firefighter gear not containing label declaring PFAS chemical; prohibited

Effective: July 1, 2023
Currentness

Sec. 2. After June 30, 2024, an Indiana fire department may not purchase firefighter gear unless it contains a permanently affixed label indicating whether or not the firefighter gear contains a PFAS chemical.

Credits
As added by P.L.78-2023, SEC.1, eff. July 1, 2023.

I.C. 36-8-27-2, IN ST 36-8-27-2
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Chapter 27. Pfas-Free Firefighter Gear

IC 36-8-27-1

36-8-27-1 “Firefighter gear”, “PFAS chemical”

Effective: July 1, 2023
Currentness

Sec. 1. (a) As used in this chapter, “firefighter gear” means any clothing designed, intended, or marketed to be a structural firefighting protective ensemble or ensemble element that includes:

(1) coats;

(2) trousers;

(3) coveralls;

(4) helmets;

(5) gloves;

(6) footwear;

(7) interface components; and

(8) other components used to construct such clothing.

(b) As used in this chapter, “PFAS chemical” has the meaning set forth in IC 36-8-10.7-3.

Credits
As added by P.L.78-2023, SEC.1, eff. July 1, 2023.

I.C. 36-8-27-1, IN ST 36-8-27-1

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Chapter 13. Pfas Biomonitoring Pilot Program

IC 10-19-13-1

10-19-13-1 “Fund”

Effective: July 1, 2023
Currentness

Sec. 1. As used in this chapter, “fund” means the PFAS biomonitoring pilot fund established by section 13 of this chapter.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-1, IN ST 10-19-13-1
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IC 10-19-13-2

10-19-13-2 “PFAS chemical”

Effective: July 1, 2023
Currentness

Sec. 2. As used in this chapter, “PFAS chemical” has the meaning set forth in IC 36-8-10.7-3.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-2, IN ST 10-19-13-2
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IC 10-19-13-3

10-19-13-3 “Pilot program”

Effective: July 1, 2023
Currentness

Sec. 3. As used in this chapter, “pilot program” means the PFAS biomonitoring pilot program established under section 5 of this chapter.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-3, IN ST 10-19-13-3
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IC 10-19-13-4

10-19-13-4 “Serum PFAS levels”

Effective: July 1, 2023
Currentness

Sec. 4. As used in this chapter, “serum PFAS levels” means the level of PFAS chemicals in an individual's blood.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-4, IN ST 10-19-13-4
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IC 10-19-13-5

10-19-13-5 PFAS biomonitoring pilot program

Effective: July 1, 2023
Currentness

Sec. 5. The department may establish the PFAS biomonitoring pilot program for the following purposes:

(1) To collect blood samples from individuals described in section 6 of this chapter for the purposes of measuring serum PFAS levels.

(2) To determine, to the extent possible, whether there are any health implications that may be attributed to elevated serum PFAS levels.

(3) To identify regions of the state where individuals described in section 6 of this chapter may experience exposure to PFAS chemicals in higher concentrations.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-5, IN ST 10-19-13-5
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IC 10-19-13-6

10-19-13-6 Eligibility criteria for participation in program

Effective: July 1, 2023
Currentness

Sec. 6. Subject to section 7 of this chapter, the department may approve an individual to participate in the pilot program if the following conditions are met:

(1) The individual was previously employed, or is currently employed, as a firefighter.

(2) The individual applies to participate in the pilot program in a form and manner prescribed by the department.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-6, IN ST 10-19-13-6
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IC 10-19-13-7

10-19-13-7 Testing capacity and funding for the program

Effective: July 1, 2023
Currentness

Sec. 7. (a) The department may, to the extent possible, test one thousand (1,000) individuals described in section 6 of this chapter.

(b) If there is additional money in the fund at the end of the state fiscal year, the department may test additional individuals described in section 6 of this chapter.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-7, IN ST 10-19-13-7
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IC 10-19-13-8

10-19-13-8 Department responsibilities

Effective: July 1, 2023
Currentness

Sec. 8. The department may do the following:

(1) Administer the pilot program.

(2) Consult with the department of environmental management and the Indiana department of health regarding the data and findings from the pilot program for the purpose of establishing recommendations regarding reducing serum PFAS levels and exposure to PFAS chemicals.

(3) Develop and implement a plan for outreach to recruit individuals described in section 6 of this chapter to participate in the pilot program.

(4) At the request of an individual described in section 6 of this chapter, collect and analyze blood samples to determine serum PFAS levels.

(5) Develop and issue a questionnaire and medical release form for an individual described in section 6 of this chapter.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-8, IN ST 10-19-13-8
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IC 10-19-13-9

10-19-13-9 Third party administration and data storage

Effective: July 1, 2023
Currentness

Sec. 9. The department may contract with a third party to administer the pilot program and to store data collected under the pilot program under this chapter.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-9, IN ST 10-19-13-9
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IC 10-19-13-10

10-19-13-10 Confidentiality of identifying information

Effective: July 1, 2023
Currentness

Sec. 10. The department may not disclose for public inspection or copy the name, address, telephone number, or any other identifying information relating to an individual described in section 6 of this chapter as contained in data collected by the pilot program.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-10, IN ST 10-19-13-10
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IC 10-19-13-11

10-19-13-11 Federal funding opportunities

Effective: July 1, 2023
Currentness

Sec. 11. The department shall apply for federal funds:

(1) available to aid in the administration of the pilot program; and

(2) for which the state may be eligible.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-11, IN ST 10-19-13-11
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IC 10-19-13-12

10-19-13-12 Reporting and recommendations

Effective: July 1, 2023
Currentness

Sec. 12. (a) Not later than July 1, 2027, the department shall prepare and submit a report that includes:

(1) a summary of the results of and conclusions from the pilot program; and

(2) any recommendations of the department, the department of environmental management, and the Indiana department of health for reducing serum PFAS levels and exposure to PFAS chemicals;

to the governor and legislative council. A report to the legislative council must be in an electronic format under IC 5-14-6.

(b) The report submitted under subsection (a) may not contain identifying information relating to an individual described in section 6 of this chapter.

(c) Except as otherwise provided in this chapter, data collected and analyzed for the pilot program is confidential and may not be disclosed by the department.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-12, IN ST 10-19-13-12
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IC 10-19-13-13

10-19-13-13 Establishment and management of fund

Effective: July 1, 2023
Currentness

Sec. 13. (a) The PFAS biomonitoring pilot fund is established for the purpose of providing funding for the pilot program. The fund shall be administered by the department.

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

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

(d) Money in the fund consists of appropriations, gifts, grants, and donations from public or private sources.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund. However, any appropriated money remaining in the fund on June 30, 2028, reverts to the state general fund.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-13, IN ST 10-19-13-13
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IC 10-19-13-14

10-19-13-14 Chapter expiration

Effective: July 1, 2023
Currentness

Sec. 14. This chapter expires July 1, 2028.

Credits
As added by P.L.132-2023, SEC.1, eff. July 1, 2023.

I.C. 10-19-13-14, IN ST 10-19-13-14
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