

HOUSE BILL No. 1585

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-25.

Synopsis: Fire department carcinogen exposure fee. Authorizes the establishment and collection of a carcinogen exposure fee of up to \$500 to be collected from the owner, lessee, or occupant of a dwelling or office, or from the owner's, lessee's, or occupant's insurance company, after a fire department established by a county, city, town, or township or a volunteer fire department has fought a fire involving the dwelling or office. Provides that the proceeds of the carcinogen exposure fee must be used for expenditures that help to protect firefighters against the effects of potential or suspected carcinogens and other toxic gases to which they are exposed when fighting fires, such as: (1) the purchase or repair of specialized washing machines to remove potentially carcinogenic or toxic residue from the firefighters' turnout gear after it has been worn while fighting a fire; (2) the purchase of extra sets of turnout gear so that firefighters may wear clean turnout gear while the turnout gear worn while fighting a previous fire is being cleaned; and (3) paying the cost of health screening of firefighters for types of cancer and other health problems that are believed to be more common among firefighters than among the general public due to the exposure of firefighters to carcinogens and other toxic gases from fires. Provides that the carcinogen exposure fee must be established by ordinance of the legislative body of the county, city, town, or township served by the fire department.

Effective: July 1, 2019.

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January 22, 2019, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1585

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

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

1 SECTION 1. IC 36-8-25 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:
4 **Chapter 25. Carcinogen Exposure Fee**
5 **Sec. 1. As used in this chapter, "carcinogen exposure fee" means**
6 **a fee:**
7 **(1) that is collected from:**
8 **(A) the owner, lessee, or occupant of a dwelling or office**
9 **after a fire department has fought a fire involving the**
10 **dwelling or office; or**
11 **(B) the insurance company that issued the property and**
12 **casualty insurance policy that was in effect on the dwelling**
13 **or office; and**
14 **(2) that provides funds to the fire department for**
15 **expenditures that help to protect firefighters against the**
16 **effects of potential or suspected carcinogens and other toxic**
17 **gases to which they are exposed when fighting fires, such as:**



- 1 (A) the purchase or repair of specialized washing machines
 2 to remove the potentially carcinogenic or toxic residue
 3 from the firefighters' turnout gear after it has been worn
 4 while fighting a fire;
 5 (B) the purchase of extra sets of turnout gear so that
 6 firefighters may wear clean turnout gear while the turnout
 7 gear worn while fighting a previous fire is being cleaned;
 8 and
 9 (C) paying the cost of health screening of firefighters for
 10 types of cancer and other health problems that are
 11 believed to be more common among firefighters than
 12 among the general public due to the exposure of
 13 firefighters to carcinogens and other toxic gases from fires
 14 involving dwellings and offices.
- 15 **Sec. 2. As used in this chapter, "dwelling" means a building,**
 16 **structure, or part of a building or structure:**
 17 (1) that is occupied as, or designed or intended for occupancy
 18 as, a residence for one (1) or more individuals or one (1) or
 19 more families; and
 20 (2) that contains plastic or other synthetic materials.
- 21 **Sec. 3. As used in this chapter, "fire department" means any of**
 22 **the following:**
 23 (1) A fire department established by a county, city, town, or
 24 township, including:
 25 (A) a fire protection district established under IC 36-8-11;
 26 and
 27 (B) a fire protection territory established under IC 36-8-19.
 28 (2) A volunteer fire department organized under IC 36-8-12.
- 29 **Sec. 4. As used in this chapter, "office" means a building,**
 30 **structure, or part of a building or structure:**
 31 (1) in which a business, industrial activity, or not-for-profit
 32 activity is carried on; and
 33 (2) that contains plastic or other synthetic materials.
- 34 **Sec. 5. For the purposes of this chapter, the "parent body" of a**
 35 **fire department means the following:**
 36 (1) In the case of a fire department established by a county,
 37 city, town, or township, the legislative body of the county, city,
 38 town, or township.
 39 (2) In the case of a fire protection district established under
 40 IC 36-8-11, the county legislative body that established the
 41 fire protection district.
 42 (3) In the case of a fire protection territory established under



- 1 **IC 36-8-19, the legislative bodies of the units or fire protection**
 2 **districts that adopted the ordinance or a resolution to form**
 3 **the territory.**
 4 **(4) In the case of a volunteer fire department, the legislative**
 5 **body of the unit that entered into a contract with the**
 6 **volunteer fire department under IC 36-8-12-4.**
- 7 **Sec. 6. As used in this chapter, "plastic" means a material that:**
 8 **(1) consists mainly of synthetic or semisynthetic organic**
 9 **compounds;**
 10 **(2) may be molded or shaped by the application of heat and**
 11 **pressure;**
 12 **(3) is derived from petrochemicals; and**
 13 **(4) tends to produce potential carcinogens, such as dioxins,**
 14 **furans, or styrene gas, when burned in an uncontrolled fire.**
- 15 **Sec. 7. As used in this chapter, "property and casualty insurance**
 16 **policy" means an insurance policy providing insurance coverage**
 17 **described in Class 2 and Class 3 of IC 27-1-5-1.**
- 18 **Sec. 8. (a) As used in this chapter, "synthetic materials" means**
 19 **materials that:**
 20 **(1) are created with chemical synthesis, as opposed to natural**
 21 **materials derived from living organisms with little or no**
 22 **chemical change; and**
 23 **(2) tend to produce potential or suspected carcinogens or**
 24 **other toxic gases when burned in an uncontrolled fire.**
- 25 **(b) The term includes:**
 26 **(1) synthetic fibers of the type used to manufacture carpets;**
 27 **(2) stick-resistant and stain-resistant coatings on household**
 28 **articles and office articles; and**
 29 **(3) flame-retardants that are added to the foam inside home**
 30 **and office furniture.**
- 31 **Sec. 9. As used in this chapter, "turnout gear" means the special**
 32 **protective pants, coat, boots, gloves, hood, and mask worn by**
 33 **firefighters when fighting a fire.**
- 34 **Sec. 10. (a) The parent body of a fire department may establish**
 35 **a carcinogen exposure fee for the fire department by adopting an**
 36 **ordinance establishing the carcinogen exposure fee.**
- 37 **(b) The legislative bodies of the units or fire protection districts**
 38 **that adopted the ordinance or resolution to form a fire protection**
 39 **territory under IC 36-8-19 may establish a carcinogen exposure fee**
 40 **for the fire protection territory by adopting identical resolutions.**
- 41 **(c) An ordinance adopted under this section must:**
 42 **(1) authorize the fire department, after the fire department**



1 **has fought a fire involving a dwelling or office, to collect**
2 **from:**
3 **(A) the owner, lessee, or occupant of the dwelling or office;**
4 **or**
5 **(B) the insurance company that issued the property and**
6 **casualty insurance policy that was in effect on the dwelling**
7 **or office at the time of the fire involving the dwelling or**
8 **office;**
9 **a carcinogen exposure fee to provide funds to the fire**
10 **department for the purposes set forth in section 1(2) of this**
11 **chapter; and**
12 **(2) set the amount of the carcinogen exposure fee that may be**
13 **collected.**
14 **(d) The amount of a carcinogen exposure fee collected by a fire**
15 **department in connection with a fire may not exceed five hundred**
16 **dollars (\$500) per dwelling or office involved in the fire.**

