

# Coal Mining Laws of Indiana

*As Amended April 2007*



## **Indiana Department of Labor**

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“The Indiana coal mining industry provides jobs for Hoosiers and energy resources for state and national consumption. The Indiana Department of Labor's Bureau of Mines and Mine Safety ensures that miners work in safe and healthy environments as they supply this rich Indiana resource from southwest Indiana’s active coal mines.”

A handwritten signature in black ink, reading "Mitchell E. Daniels Jr." in a cursive style.

Mitchell E. Daniels Jr.  
Governor, State of Indiana

**INDIANA CODE  
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## IC 22

### TITLE 22. LABOR AND SAFETY

## IC 22-1

### ARTICLE 1. DEPARTMENT OF LABOR

## IC 22-1-1

### Chapter 1. Powers and Duties of the Department

#### IC 22-1-1-4 Department of Labor; Bureaus

Sec. 4. The following Bureaus are created within the Department of Labor:

- (1) The Bureau of Mines and Mine Safety.
- (2) The Bureau of Child Labor.

(Formerly: Acts 1945, c.334, s.4; Acts 1975, P.L.235, SEC.2.) As amended by P.L.37-1985, SEC.20.

#### IC 22-1-1-5 Bureaus; powers and duties

Sec. 5. (a) The Bureau of Mines and Mining Safety shall do the following:

- (1) have immediate charge of the administration of the underground mine laws of this state;
- (2) provide safety consultation services to any underground mine operator at the request of the operator;
- (3) provide mine safety and health education information to all underground mine operators; and
- (4) investigate all fatalities occurring in underground mine operations for the purpose of data collection; however, an investigation shall not interfere with investigations by the federal Mine Safety and Health Administration.

(b) The Bureau of Child Labor shall have immediate charge of the supervision of children who are gainfully employed, including employment certificate violations under IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40. A child employee under the jurisdiction of the Bureau of Child Labor may file a complaint with the Bureau of Child Labor if the employer of the child employee requires noncompliance by the child employee with the provisions of IC 20-33-3-38.5.

(Formerly: Acts 1945, c.334, s.5; Acts 1975, P.L.235, SEC.3.) As amended by P.L.37-1985, SEC.21; P.L.215-1989, SEC.1; P.L.182-2006, SEC.10; P.L.35-2007, SEC.1.

#### **IC 22-1-1-6 Bureaus; directors; appointment**

Sec. 6. Each bureau is under the immediate charge of a director who is under the immediate charge of the Commissioner. A director for each Bureau shall be appointed by the Commissioner of Labor with the approval of the Governor.

#### **IC 22-1-1-11 Commissioner of Labor; powers and duties**

Sec. 11. The Commissioner of Labor is authorized and directed to do the following:

(1) To investigate and adopt rules under IC 4-22-2 prescribing what safety devices, safeguards, or other means of protection shall be adopted for the prevention of accidents in every employment or place of employment, to determine what suitable devices, safeguards, or other means of protection for the prevention of industrial accidents or occupational diseases shall be adopted or followed in any or all employments or places of employment, and to adopt rules under IC 4-22-2 applicable to either employers or employees, or both for the prevention of accidents and the prevention of industrial or occupational diseases.

(2) Whenever, in the judgment of the Commissioner of Labor, any place of employment is not being maintained in a sanitary manner or is being maintained in a manner detrimental to the health of the employees therein, to obtain any necessary technical or expert advice and assistance from the State Department of Health. The State Department of Health, upon the request of the Commissioner of Labor, shall furnish technical or expert advice and assistance to the Commissioner and take the steps authorized or required by the health laws of the state.

(3) Annually forward the report received from the mining board under IC 22-10-1.5-5(a)(5) to the legislative council in an electronic format under IC 5-14-6 and request from the general assembly funding for necessary additional mine inspectors.

(4) Administer the mine safety fund established under IC 22-10-12-16. (Formerly: Acts 1945, c.334, s.11.) As amended by P.L.37-1985,

SEC.24; P.L.2-1992, SEC.738; P.L.187-2003, SEC.1; P.L.28-2004, SEC.158; P.L.35-2007, SEC.2.

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## **IC 22-10 ARTICLE 10. MINES AND MINING SAFETY**

### **IC 22-10-1 Repealed**

(Repealed by P.L.37-1985, SEC.60.)

### **IC 22-10-1.5 Chapter 1.5. General Provisions**

#### **IC 22-10-1.5-1 Application of article**

Sec. 1. This article applies to all mines.

As added by P.L.37-1985, SEC.46. Amended by P.L.215-1989, SEC.3; P.L.35-2007, SEC.3.

#### **IC 22-10-1.5-2 Mining board; establishment; membership; meetings**

Sec. 2. (a) The mining board is established. The board is composed of five (5) members appointed by the Governor. The members must have the following qualifications:

(1) Two (2) members must be practical and experienced nonsupervisory underground coal miners.

(2) Two (2) members must be practical and experienced underground coal operators.

(3) One (1) member must represent the general public and must not be associated with the coal industry.

(b) The Governor shall appoint each member to a four (4) year term. The Governor shall fill any vacancy occurring on the board for the unexpired term of the member being replaced. The individual appointed to fill a vacancy must have the same qualifications as the member the individual is replacing.

(c) The Governor may remove a member of the board for cause.

(d) The board shall organize by the election of a chairman for a one (1) year term.

(e) The board may hold meetings on the call of the chairman or the director. As added by P.L.37-1985, SEC.46. Amended by P.L.112-1992, SEC.1; P.L.35-2007, SEC.4.

### **IC 22-10-1.5-3 Mining board; salaries; expenses**

Sec. 3. (a) Except as provided in subsection (b), a member of the board is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana Department of administration and approved by the budget agency.

(b) Effective July 1, 2007, a member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member also is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana Department of administration and approved by the budget agency.

As added by P.L.37-1985, SEC.46. Amended by P.L.35-2007, SEC.5.

### **IC 22-10-1.5-4 Rules**

Sec. 4. The board may adopt rules under IC 4-22-2 to implement this article. Notwithstanding any other law, the rules may include the setting of fees under:

- (1) IC 22-10-3-10;
- (2) IC 22-10-3-11; and
- (3) IC 22-10-3-13.

As added by P.L.37-1985, SEC.46. Amended by P.L.35-2007, SEC.6.

### **IC 22-10-1.5-5 Mining board; powers and duties**

Sec. 5. (a) The board shall:

(1) collect and distribute information concerning the nature, causes, and prevention of mine accidents and the improvements of methods, conditions, and equipment of mines with special reference to health and safety and the conservation of mineral resources and the economic conditions respecting mining and the mining industry;

(2) promote the technical efficiency of all persons working in and about the mines of this state and examine persons applying for certificates under IC 22-10-3-10;

(3) submit any bills embodying legislation that the board may agree upon to the general assembly;

(4) if appropriations from the general assembly are considered insufficient by the board, assess and collect from operators the amount necessary to purchase and maintain underground mine rescue equipment for the Bureau of mines and mine safety created under IC 22-1-1-4 and deposit the assessment in the mine safety fund established under IC 22-10-12-16; and

(5) annually report to the Commissioner of the Department of Labor concerning any need for additional mine inspectors.

(b) The board shall mail written notice to operators of a meeting of the board at which assessments described in subsection (a)(4) are discussed.

As added by P.L.37-1985, SEC.46. Amended by P.L.112-1992, SEC.2; P.L.187-2003, SEC.2; P.L.35-2007, SEC.7.

#### **IC 22-10-1.5-6 Director of Bureau; qualifications; term of office; salary**

Sec. 6. (a) With the Governor's approval, the Commissioner of Labor shall appoint a director of the Bureau of mines and mine safety created under IC 22-1-1-4(1) who must have the following qualifications:

(1) Be a citizen of the United States and a resident of Indiana.

(2) Have at least four (4) years experience in underground coal mines.

(3) Hold an Indiana mine foreman certificate.

(4) Possess a practical knowledge of:

(A) the different systems of working and ventilating coal mines;

(B) the nature, chemistry, detection, and control of noxious, poisonous, and explosive gases;



- (C) the dangers incident to blasting and the prevention of these dangers;
  - (D) the application of electricity in mining operations;
  - (E) the methods for preventing mine fires and gas or dust explosions;
  - (F) the methods for controlling and extinguishing mine fires;
  - (G) the methods of rescue and recovery work following mine disasters;
- and
- (H) the mining laws of this state.

(b) The director may not be an owner or part owner of a coal mine or coal mining company while serving as director.

(c) The director shall serve for a four (4) year term. However, the director serves at the pleasure of the Governor.

(d) The director is entitled to receive an annual salary to be fixed by the Commissioner of Labor with the approval of the Governor.

As added by P.L.37-1985, SEC.46. Amended by P.L.144-1988, SEC.1; P.L.215-1989, SEC.4; P.L.35-2007, SEC.8.

### **IC 22-10-1.5-7 Chief mine inspector; qualifications and salary; director's powers and duties**

Sec. 7. (a) The director shall employ, subject to:

- (1) IC 4-15-2; and
- (2) appropriation by the general assembly for the position of chief mine inspector;

a chief mine inspector who has an Indiana mine examiner certificate and at least three (3) years underground mining experience.

(b) The chief mining inspector is entitled to receive an annual salary to be fixed by the Commissioner of Labor with the approval of the Governor.

(c) The director may, subject to IC 4-15-2, employ other mine inspectors and clerical employees.

(d) The director may:

- (1) contract with any person to provide training for mine employees;
- (2) provide mine rescue training for mine employees; and
- (3) furnish mine rescue equipment at the site of mine accidents.

(e) The director shall:

- (1) collect and index all active and inactive underground mine maps; and
- (2) supervise and direct the state mine inspectors.

As added by P.L.37-1985, SEC.46. Amended by P.L.144-1988, SEC.2; P.L.215-1989, SEC.5; P.L.112-1992

### **IC 22-10-1.5-8 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

## **IC 22-10-2 Chapter 2. Coal Mines Generally**

### **IC 22-10-2-1 Repealed**

*(Repealed by P.L.231-1983, SEC.20.)*

### **IC 22-10-2-1.5 Maps; contents; copy to be kept on surface of mine; pillars of coal between adjoining properties**

Sec. 1.5. (a) An operator shall have, in a fireproof repository located in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of the mine drawn on scale. The map shall show:

- (1) the active workings;
- (2) all pillared, worked out, and abandoned areas, except as provided in this section;
- (3) entries and aircourses with the direction of airflow indicated by arrows;
- (4) contour lines of all elevations;
- (5) elevations of all mine and cross or side entries;
- (6) dip of the coalbed;
- (7) escapeways;
- (8) adjacent mine workings within one thousand (1,000) feet;
- (9) mines above or below;
- (10) water pools above;
- (11) either producing or abandoned oil and gas wells located within five hundred (500) feet of such mine and any underground area of such mine; and
- (12) such other information as the director may require.

The map shall identify those areas of the mine which have been pillared, worked out, or abandoned, which are inaccessible or cannot be entered safely and on which no information is available.

(b) The operators of adjoining coal properties must leave, or cause to be left, a pillar of coal fifteen (15) feet in width on each side of the property line in each seam or vein of coal worked by them.

(c) The following additional information shall be shown on mine maps:

(1) Name and address of the mine.

(2) The scale and orientation of the map.

(3) The property or boundary lines of the mine.

(4) All drill holes that penetrate the coalbed being mined.

(5) All shaft, slope, drift, and tunnel openings and auger and strip mined areas of the coalbed being mined.

(6) The location of all surface mine ventilation fans, the location of which may be designated on the mine map by symbols.

(7) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown.

(8) The location and description of at least two (2) permanent baseline points coordinated with the underground and surface mine traverses, and the location and description of at least two (2) permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys.

(9) The location of any body of water dammed in the mine or held back in any portion of the mine. However, such bodies of water may be shown on overlays or tracings attached to the mine maps used to show contour lines as provided under subdivision (12).

(10) The elevations of tops and bottoms of shafts and slopes, and the floor at the entrance to drift and tunnel openings.

(11) The elevation of the floor at intervals of not more than two hundred (200) feet in:

(A) at least one (1) entry of each working section, and main and cross entries;

(B) the last line of open crosscuts of each working section, main and cross entries before such sections, and main and cross entries that are abandoned;

(C) rooms advancing toward or adjacent to property or boundary lines or adjacent mines; and

(D) the elevation of any body of water dammed in the mine or held back in any portion of the mine.

(12) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed ten (10) foot elevation levels, except that a broader spacing of contour lines may be approved by the director for steeply pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps.

(d) The accuracy and scale of mine maps shall be as follows:

(1) The scale of mine maps submitted to the director shall not be less than one hundred (100) or more than five hundred (500) feet to the inch.

(2) Mine traverses shall be advanced by closed loop methods of traversing or other equally accurate methods of traversing.

As added by P.L.231-1983, SEC.1. Amended by P.L.35-2007, SEC.10.

#### **IC 22-10-2-2 Maps; certification and seal; revision and supplementation; temporary notations**

Sec. 2. (a) All maps required to show the underground workings of any mine, within this state, shall be made or certified by a registered engineer or land surveyor and sealed by such professional engineer or land surveyor.

(b) The map shall be kept up-to-date by temporary notations and the map shall be revised and supplemented at intervals prescribed by the director on the basis of a survey made or certified by such engineer or surveyor.

(c) Mine maps shall be revised and supplemented at intervals of not more than once a year.

(d) Temporary notations shall include:

(1) the location of each working face of each working place;

(2) pillars mined or other such second mining;

(3) permanent ventilation controls constructed or removed, such as seals, overcasts, undercasts, regulators, and permanent stoppings, and the direction of air currents indicated; and

(4) escapeways designated by means of symbols.

(Formerly: Acts 1955, c.168, s.8.) As amended by P.L.231-1983, SEC.2.

#### **IC 22-10-2-2.5 Maps; inspection; confidentiality**

Sec. 2.5. (a) The coal mine map required by section 1.5 of this chapter and any revision of or supplement to the coal mine map shall be available for inspection by:

(1) the director or the director's authorized representative;

(2) miners in the mine;

(3) operators of adjacent coal mines; and

(4) persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines.

(b) The operator shall furnish to the director one (1) or more copies of each map and of any revision or supplement.

(c) Every map, revision, or supplement furnished to the director shall be kept confidential, and the contents shall not be divulged to any person except to the extent necessary to carry out the provisions of this chapter.

As added by P.L.231-1983, SEC.3. Amended by P.L.35-2007, SEC.11.

#### **IC 22-10-2-3 Repealed**

*(Repealed by P.L.231-1983, SEC.20.)*

#### **IC 22-10-2-4 Repealed**

*(Repealed by P.L.231-1983, SEC.20.)*

#### **IC 22-10-2-4.5 Abandonment or temporary closure of mine; notice; filing mine map; filling, maintaining, and sealing openings**

Sec. 4.5. (a) Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than ninety (90) days, he shall promptly notify the director of the closure. Within sixty (60) days of the permanent closure or abandonment of a mine, or, when a mine is

temporarily closed, upon the expiration of a period of ninety (90) days from the date of closure, the operator shall file with the director a copy of the mine map revised and supplemented to the date of the closure. Such copy

of the mine map shall be certified by a registered surveyor or registered engineer of the state and shall be available for public inspection.

(b) Operators shall give notice of mine closures and file copies of maps with the director.

(c) All entrances to an abandoned mine shall be filled by the operator last engaged in the operation of the mine immediately following abandonment of the mine. Vertical openings shall be filled and maintained from the bottom to the surface. All other mine openings shall be filled and sealed in a manner prescribed by the director.

As added by P.L.231-1983, SEC.4.

#### **IC 22-10-2-5 Foreign states; workings extending into state; application of law**

Sec. 5. Whenever any mine or mines, the shaft or opening of which is located in any state other than the State of Indiana, shall have entries or working underground extending into and within the State of Indiana, a compliance with the laws of the State in which the shaft or opening of said mine is located governing mines and mining, shall be taken, deemed and considered in full compliance with the laws of the State of Indiana governing mines and mining as to all that part of said entries and workings lying and being within the State of Indiana.

(Formerly: Acts 1955, c.168, s.11.)

#### **IC 22-10-2-6 Foreign states; workings extending into state; conflict of laws**

Sec. 6. In the case of any mine or mines, the shaft or opening of which is located in any state other than the State of Indiana, the employees in the entries or workings of such mines extending into and within the State of Indiana, shall be controlled and governed by the laws of the state in which the shaft or opening of such mine is located in any and all matters pertaining to their employment, including compensation laws and suits for damages for personal injuries.

(Formerly: Acts 1955, c.168, s.12.)

### **IC 22-10-2-7 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

### **IC 22-10-2-8 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

## **IC 22-10-3 Chapter 3. Administration; Certification of Certain Mine Workers**

### **IC 22-10-3-1 Definitions**

Sec. 1. As used in this article:

"Active workings" means all places in a mine that are ventilated and inspected regularly.

"Belt examiner" means an individual designated by the mine foreman to perform the functions as required by 30 CFR Part 75 in connection with examinations to ensure that the belt, belt drives, dump points, air movement, roof, and ribs of a mine are in safe condition.

"Board" refers to the mining board established under IC 22-10-1.5-2.

"Commercial mine" means any underground mine from which coal is produced for sale, exchange, or commercial use.

"Director" means the director of the Bureau of mines and mine safety established under IC 22-1-1-4.

"Hoisting engineer" means an individual who is capable of transporting people and material in and out of a mine by means of a hoist.

"Interested persons" means the director, safety personnel designated by the operator, state and federal coal mine inspectors, and, to the extent required by law, any other person.

"Mine" means an underground commercial coal mine.

"Mine examiner" means a properly certified person designated by the mine foreman to examine the mine for gas and other dangers. A mine examiner may temporarily act as a section foreman if designated to act as such by the mine foreman.

"Mine foreman" means the person charged with the responsibility of the general supervision of the underground working of a mine and the persons employed in the mine and for the health and safety of those employees.

"Mine inspector" means the person appointed to assist in administering this article.

"Mine Safety Administration" refers to the Mine Safety and Health Administration, United States Department of Labor.

"Mining laws" means:

- (1) this article;
- (2) IC 22-1-1-5(a); and
- (3) 30 CFR part 75.

"Operator" means an individual, firm, association, partnership, limited liability company, or corporation operating an underground coal mine or any part of a mine.

"Shot-firer" means a properly certified person designated by the mine foreman to perform the functions as required in this article in connection with breaking down coal or rock.

(Formerly: Acts 1955, c.168, s.15; Acts 1975, P.L.257, SEC.1.) As amended by Acts 1979, P.L.231, SEC.1; P.L.37-1985, SEC.47;

P.L.243-1987, SEC.1; P.L.112-1992, SEC.5; P.L.8-1993, SEC.295; P.L.35-2007, SEC.12.

#### **IC 22-10-3-2 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

#### **IC 22-10-3-3 Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

#### **IC 22-10-3-4 Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*



### **IC 22-10-3-5 Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

### **IC 22-10-3-6 Director; powers and duties; records; inspection report**

Sec. 6. (a) The director shall devote the director's attention to the duties of the office during working hours and is subject to call at all times. The director and any mine inspector funded by the general assembly are authorized to enter, examine, and inspect all commercial coal mines and facilities.

(b) The director shall have full direction of the official activities of any mine inspector and shall be responsible therefor.

(c) The director and each mine inspector shall have power, and it is their duty, to stop immediately the operation of any coal mine or part thereof when any dangerous or unlawful condition exists. However, where conditions exist justifying the director or the mine inspector to do so, the director or mine inspector shall grant a reasonable period of time for making necessary repairs. Where a stop in operation is enforced, such director and mine inspector shall be empowered to subsequently allow such mine or part of a mine to be reopened when the dangerous or unlawful conditions have been remedied or removed. If the operator or a workman believes that an inspector has acted illegally in citing violations of mining law, they may appeal to the director for relief from such citation. The director may grant or deny such relief after a hearing, at which all interested parties have been notified of such hearing and given an opportunity to present evidence in support of their contentions.

(d) The director shall keep a properly indexed permanent record of all inspections made by the director and the mine inspector, and copies of all reports relating to coal mines shall be kept on file, and all such records shall be open to inspection by the public, and shall be laid before the Governor at any time upon the request of the Governor. The director shall cause:

(1) within sixty (60) days of the date of the inspection, inspection reports; and

(2) for two (2) years, all reports relating to coal mines; to be posted on the web site maintained by the Bureau of mines and mine safety created under IC 22-1-1-4(1).

(e) The director is empowered to revoke, in writing, any order issued by a mine inspector for the purpose of stopping the operation of a mine or part thereof. However, such revocation of an order shall not be made unless and until the director has made a personal examination of the mine or part thereof affected and determined it to be in a safe condition to operate.

(f) The director or mine inspector shall make a personal inspection of each mine in this state:

(1) at least once every three (3) months, or more often if practicable, while the mine is in operation;

(2) whenever any danger to the workmen may exist; or

(3) whenever called upon to do so by the workmen.

During a regular inspection, the director or inspector shall have the authority to inspect the surface plant; every working place in the mine; all active haulageways, travelways, and airways in their entirety; entrances to abandoned workings; accessible old workings; escapeways and all other places where individuals work or travel; electric equipment and installations; first aid equipment; ventilation facilities; communications installations; roof and rib conditions; and blasting practices, etc. The director or inspector shall have the authority to measure the volume of air at the intake and return of the main ventilating current and of each split, and the amount passing through the last breakthrough in each pair or set of entries, and designate to the mine foreman where the director or inspector shall measure the currents of air as required by the mining laws of this state. In mines operating more than one (1) shift in a twenty-four (24) hour period, the director or inspector shall devote sufficient time to the second and third shift to determine conditions and practices related to the health and safety of the employees. The director or inspector shall make tests for gas and oxygen deficiency in each place that the director or inspector is required to inspect in the mine. Time shall be made available during an inspection for interaction with the employees of the mine by the director or the inspector to ascertain the familiarity of the employees with self-rescuers and accessible escapeways.

(g) The director or mine inspector making an inspection of a mine shall make an accurate report covering such inspection, showing:

(1) the date of inspection and actual time required to make the inspection;

- (2) the condition in which the mine is found;
- (3) the extent to which the mining laws are violated;
- (4) the progress made in the improvement of the mine, where such progress relates to the health and safety of the employees;
- (5) the number of fatal injuries and the number of nonfatal lost-time injuries resulting from accidents in and around the mine, and their cause; and
- (6) in case any violation of the mining laws is found, the specific section or sections violated, with recommendations for correcting them, and the action taken to eliminate them.

(h) The director or mine inspector making an inspection of a mine shall within three (3) days after the completion of the inspection, deliver:

(1) one (1) copy of the inspection report on the mine to the operator, superintendent, or mine foreman of the mine inspected; and

(2) one (1) copy to be posted within the three (3) day limit on a bulletin board at a prominent place on the premises where it can be conveniently read by the employees. If corrective action is implemented, the report shall remain on the bulletin board for thirty (30) days. If corrective action is not implemented, the report shall not be removed from the bulletin board until the report of the succeeding examination is posted.

The director or mine inspector shall keep the mine foreman or superintendent informed as much as is practicable of any violation or other unsafe condition as the regular inspection progresses. In instances where, in the opinion of the mine inspector, an imminent or serious disaster hazard exists, such inspector shall report the same to the director by the quickest available means.

(i) It shall be the duty of the director and mine inspectors to enforce the mining laws of this state and the mine inspectors shall perform such other official duties required by the director as may be necessary to secure full compliance with the mining laws of this state.

(Formerly: Acts 1955, c.168, s.20.) As amended by Acts 1979, P.L.17, SEC.36; P.L.231-1983, SEC.6; P.L.112-1992, SEC.6; P.L.35-2007, SEC.13.

### **IC 22-10-3-7 Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

### **IC 22-10-3-8 Repealed**

*(Repealed by P.L.37-1985, SEC.60.)*

### **IC 22-10-3-9 Mining board; examination; records; application for certain certifications**

Sec. 9. (a) The director shall keep a record of the board's official actions concerning certificates issued under this chapter and file the record together with questions and answers pertaining to examinations established by the board, including the grade given for the answer to each question. The record shall be open for inspection by interested persons. If applications for certification are received, the board shall meet at least quarterly at such time and place as it shall consider advisable for the purpose of examining applicants for certificates. These quarterly meetings shall be held in January, April, July, and October. The date, time, and place of examination shall be published at all coal mines in this state and posted on the web site maintained by the Bureau of mines and mine safety at least thirty (30) days before the examination. By a majority vote, the board shall establish its rules of procedure and provide suitable certificates. The board shall adopt rules establishing standards for the competent practice of mine foreman, belt examiner, mine examiner, shot-firer, and hoisting engineer.

(b) A person desiring certification for mine foreman, belt examiner, mine examiner, shot-firer, or hoisting engineer must make written application to the board on forms supplied by the board not later than ten (10) days prior to the examination date.

(Formerly: Acts 1955, c.168, s.23; Acts 1971, P.L.358, SEC.4.) As amended by Acts 1979, P.L.231, SEC.3; Acts 1981, P.L.222, SEC.18; P.L.37-1985, SEC.48; P.L.35-2007, SEC.14.

### **IC 22-10-3-10 Mining board; examination; issuing certificates; qualifications for certification; examination fee; replacement certificate**

Sec. 10. (a) It is the duty of the board to examine any person applying for a certificate for mine foreman, shot-firer, mine examiner, hoisting engineer, or belt examiner and to issue certificates of competency to the applicants who, upon examination, prove themselves competent and qualified. A certificate is valid only when the examination for certification has been held in the

presence of a member of the board and signed by the chairman of the board. A certificate of competency may not be issued to any person whose grade is less than seventy-five percent (75%). The board shall observe the requirements set forth in this section in conducting the examinations.

(b) An applicant for a mine foreman certificate must have at least four (4) years of experience underground in coal mines. However, a person who has graduated and holds a degree in engineering or an approved four (4) year program in coal mining technology from an accredited school, college, or university is required to have only two (2) years of practical underground mining experience to qualify for the examination. A person who has graduated and holds a two (2) year associate in applied science degree in coal mining technology from an accredited school, college, or university is required to have only three (3) years of practical underground mining experience to qualify for the examination. An applicant must prove to the board by written and oral examination and by demonstration, where applicable, that the applicant has a thorough knowledge of:

- (1) the theory and practice of coal mining;
  - (2) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection and control;
  - (3) the requirements of the coal mining laws of this state; and
  - (4) the responsibilities and duties of a mine foreman under such laws;
- and that the applicant is otherwise qualified by law.

(c) An applicant for a mine examiner certificate must have at least three (3) years of experience underground in coal mines. However, a person who has graduated and holds a degree in engineering or an associate in applied science degree in coal mining technology from an accredited school, college, or university is required to have only two (2) years of practical underground mining experience to qualify for the examination. An applicant must prove to the board by written and oral examination and by demonstration, where applicable, that the applicant has a thorough knowledge of:

- (1) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection and control;
- (2) the practical aspects of coal mining pertaining especially to ventilation and roof control; and

(3) the responsibilities of a mine examiner under coal mining laws of this state;

and that the applicant is otherwise qualified by law.

(d) An applicant for a shot-firer certificate must have at least one (1) year of underground experience and must have been properly trained in a course approved by the director in the safe use and handling of explosives. An applicant must prove to the board by written and oral examination and by demonstration, where applicable, that the applicant has a working knowledge of:

(1) the proper handling and use of explosives and blasting devices and the danger connected therewith;

(2) the nature and properties of poisonous, noxious, and explosive gases and methods for their detection;

(3) the coal mining laws of the state pertaining to ventilation, roof control, and blasting; and

(4) the responsibilities of a shot-firer under applicable mining laws; and that the applicant is otherwise qualified by law.

(e) An applicant for a hoisting engineer certificate must prove to the board by written and oral examination and by demonstration, where applicable, that the applicant:

(1) is capable of operating a hoist;

(2) has a thorough knowledge of the coal mining laws of this state pertaining to hoisting operations;

(3) has at least one (1) year mining experience;

(4) has at least twenty (20) hours practical experience under the supervision of a certified hoisting engineer; and

(5) is otherwise qualified by law.

(f) An applicant for a belt examiner certificate must have at least one (1) year of experience in belt maintenance or installation work. The applicant must prove to the board by written and oral examination and by demonstration, where applicable, that the applicant has a thorough knowledge of:

(1) the requirements of the coal mining laws of this state with particular emphasis upon those laws pertaining to the use of electrical or belt equipment and the transmission of electrical

energy into coal mines; and

(2) the responsibilities of a belt examiner under those laws; and that the applicant is otherwise qualified by law.

(g) An applicant for an examination under this section must pay the Bureau of mines and mine safety an examination fee of twenty-five dollars (\$25). All fees collected under this subsection shall be deposited in the mine safety fund established by IC 22-10-12-16. The board may set a different fee by rule under IC 22-10-1.5-4.

(h) A mine foreman, mine examiner, shot-firer, hoisting engineer, or belt examiner certificate issued before September 1, 1979, is valid under the mining laws of Indiana.

(i) A person who was issued a fire-boss certificate before July 1, 2007, shall be issued a replacement mine examiner certificate upon request to the director.

(j) A person designated as mine superintendent or assistant mine superintendent, or acting in either capacity, must hold a mine foreman certificate.

(k) A certificate may be granted to an applicant who presents to the board satisfactory evidence that the applicant has not been convicted of:

(1) an act which would constitute a ground for disciplinary sanction under section 11.1(b) of this chapter; or

(2) a felony that has a direct bearing on the applicant's ability to act competently as a mine foreman, shot-firer, mine examiner, hoisting engineer, or belt examiner.

(l) For the purpose of safety, the board may refuse to examine an applicant who cannot:

(1) readily understand the written English language; or

(2) express himself or herself in the English language.

(Formerly: Acts 1955, c.168, s.24; Acts 1971, P.L.358, SEC.5; Acts 1973, P.L.242, SEC.1.) As amended by Acts 1979, P.L.231, SEC.4; Acts 1981, P.L.210, SEC.1; Acts 1981, P.L.222, SEC.19; Acts 1982, P.L.113, SEC.6; P.L.231-1983, SEC.7; P.L.37-1985, SEC.49; P.L.35-2007, SEC.15.

**IC 22-10-3-11 Certificates; loss or destruction; duplicates; filing at mine office; inspection**

Sec. 11. (a) In event of loss or destruction of any certificate issued under the mining laws of this state, the board, upon satisfactory proof of such loss or destruction, shall issue a duplicate certificate upon receipt of five dollars (\$5). The fee shall be deposited into the mine safety fund established by IC 22-10-12-16. The board may set a different fee by rule under IC 22-10-1.5-4.

(b) The holder of a mine foreman, mine examiner, shot-firer, hoisting engineer, or belt examiner certificate must present the same or a photostatic copy to the official of the mine where the holder is employed, who shall file it in the office at such mine, and such file shall be available for inspection by interested persons.

(Formerly: Acts 1955, c.168, s.25.) As amended by Acts 1979, P.L.231, SEC.5; Acts 1981, P.L.210, SEC.2; Acts 1981, P.L.222, SEC.20; P.L.231-1983, SEC.8; P.L.35-2007, SEC.16.

**IC 22-10-3-11.1 Practitioner; definition; standards of conduct; sanctions; grounds; submission to examination**

Sec. 11.1. (a) As used in this section, "practitioner" means an individual who holds a certificate issued under this chapter.

(b) A practitioner shall conduct his duties as he is so certified in accordance with the standards established by the board under section 9(a) of this chapter and is subject to the exercise of the disciplinary sanctions under subsection (e), if after a hearing, the board finds:

(1) the practitioner has employed or knowingly cooperated in fraud or material deception in order to obtain a certificate, or has engaged in fraud or material deception in the course of professional services or activities, or has advertised services in a false or misleading manner;

(2) the practitioner has been convicted of a crime which has a direct bearing on the practitioner's ability to continue to practice competently;

(3) a practitioner has knowingly violated section 12 of this chapter, or any rule adopted by the board under section 9(A) under this chapter;

(4) a practitioner has continued to practice as certified although he has become unfit to practice due to:



- (A) professional incompetence;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction or severe dependency upon alcohol or other drugs which endangers the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to clients; or
- (6) a practitioner has allowed his name or certificate issued to him under this chapter to be used in connection with any individual who renders mining services beyond the scope of his training, experience or competence.

(c) The board may order a practitioner to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(d) Failure to comply with a board order to submit to a physical or mental examination shall render a practitioner liable to the summary revocation procedures under subsection (f).

(e) The board may impose any of the following sanctions, singly or in combination, when it finds that a practitioner is guilty of any offense under subsection (b):

- (1) permanently revoke a practitioner's certificate;
- (2) suspend a practitioner's certificate;
- (3) censure a practitioner;
- (4) issue a letter of reprimand; or
- (5) place a practitioner on probation status and require the practitioner to:
  - (A) report regularly to the board upon the matters which are the basis of probation;
  - (B) limit practice to those areas prescribed by the board; or
  - (C) continue or renew professional education under a practitioner approved by the board until satisfactory degree of skill has been attained in those areas which are the basis of the probation.

The board may withdraw the probation if it finds that the deficiency which required disciplinary action has been remedied.

(f) The board may summarily suspend a practitioner's certificate for a period of ninety (90) days in advance of a final adjudication or during the appeals

process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if he is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for a period of ninety (90) days or less.

(g) A certificate issued under this chapter is automatically suspended upon the conviction of the practitioner of a felony under 30 U.S.C. 820. A practitioner whose certificate is suspended under this subsection may apply for reinstatement under subsection (h) if at least five (5) years have elapsed from the practitioner's date of discharge from probation, imprisonment, or parole from the felony.

(h) The board may reinstate a certificate which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety. As a condition for reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

(i) The board shall seek to achieve consistency in the application of the sanctions authorized in this section, and significant departures from prior decisions involving similar conduct shall be explained in the board's findings or orders.

As added by Acts 1981, P.L.222, SEC.21. Amended by P.L.165-1997, SEC.1.

### **IC 22-10-3-12 Certification required for employment; persons certified in other states; inexperienced miner identification pending certification**

Sec. 12. (a) It is unlawful for any person to serve in the capacity of mine foreman, mine examiner, shot-firer, hoisting engineer, or belt examiner at any time unless the person is properly certified. However, any person who meets the appropriate experience requirements of this chapter and who is properly certified in one (1) of these capacities or its equivalent in another state which recognizes the certification of Indiana may serve in such a capacity until the next examination by the board, when the person must apply to the board for a certificate of competency in the person's particular classification.

(b) It is unlawful for an operator in this state to employ any person in the capacity of mine superintendent, assistant mine superintendent, mine foreman,

mine examiner, shot-firer, hoisting engineer, or belt examiner at any time unless the person is properly certified.

(c) Before any person certified in another state may perform in the capacity of mine superintendent, assistant mine superintendent, mine foreman, mine examiner, shot-firer, hoisting engineer, or belt examiner in Indiana, the person must present personally to the director evidence of the out-of-state certificate or certificates.

(d) Every inexperienced miner is required to wear an orange hard hat until the miner receives a certificate of competency.

(Formerly: Acts 1955, c.168, s.26; Acts 1971, P.L.358, SEC.6.) As amended by Acts 1979, P.L.231, SEC.6; P.L.231-1983, SEC.9; P.L.37-1985, SEC.50; P.L.112-1992, SEC.7; P.L.35-2007, SEC.17.

### **IC 22-10-3-13 Certificate of competency; fee; report**

Sec. 13. (a) A person may not be employed underground in any coal mine in this state unless the person possesses a certificate of competency issued by the director, except that a person who does not possess a certificate may be employed to work under the supervision of a person who does possess a certificate for the purpose of becoming qualified to obtain a certificate. A person who intends to work underground in a coal mine to obtain a certificate must first obtain a permit from the director by stating the person's date of birth and residence address. The director shall grant a permit to an applicant who is of legal age and who has intelligence and character such that the person will not be a danger to life and property.

(b) A certificate of competency shall be granted to an applicant who has at least six (6) months experience underground in coal mines, subject to subsection (f).

(c) The director's record shall include the names of applicants for certificates and the names of persons to whom certificates are issued, correlated with the certificate numbers.

(d) An applicant for a certificate must pay the director at the time of application a fee of five dollars (\$5). All money received under this subsection shall be deposited in the mine safety fund established by IC 22-10-12-16. The board may set a different fee by rule under IC 22-10-1.5-4.

(e) The board shall report to the director the names of all persons issued certificates, the amount of money received, the names of all persons refused certificates, and the reasons for the refusals, and such reports shall be open for inspection by interested persons.

(f) If a person has been convicted of a felony under 30 U.S.C. 820 and fewer than five (5) years have elapsed from the person's date of discharge from probation, imprisonment, or parole, the person may not:

- (1) obtain a certificate of competency;
- (2) be employed to work with a person who does possess a certificate; or
- (3) obtain a permit to work toward a certificate of competency;

under subsection (a).

(Formerly: Acts 1955, c.168, s.27; Acts 1971, P.L.358, SEC.7; Acts 1973, P.L.242, SEC.2.) As amended by Acts 1979, P.L.231, SEC.7; Acts 1981, P.L.210, SEC.3; P.L.37-1985, SEC.51; P.L.165-1997, SEC.2; P.L.35-2007, SEC.18.

#### **IC 22-10-3-14 Supervision of mines**

Sec. 14. A mine shall be supervised by one (1) or more certified mine foremen who shall see that compliance with mining laws that pertain to the commercial mine's duties and to the health and safety of the employees is met. When the mine workings are so extensive that the mine foremen are unable personally to carry out the duties required of them by law, the operator shall employ a sufficient number of properly certified assistants who shall act under the direction of the mine foremen. The mine foremen or their assistants shall not permit a person to work in an unsafe place except for the purpose of making it safe, and such work shall be under the direction and instruction of a certified official.

(Formerly: Acts 1955, c.168, s.28.) As amended by P.L.231-1983, SEC.10; P.L.35-2007, SEC.19.

#### **IC 22-10-3-15 Copies of forms; accidents; reports; operator of mine; duties**

Sec. 15. (a) The operator of a mine shall submit to the director a copy of the Mine Safety Administration Form 7000-2 when the operator files the form with the Mine Safety Administration.

(b) The operator of a mine shall notify the director immediately when an:

(1) accident occurs which prohibits the normal operation of the mine for one (1) or more shifts, or for the remainder of the shift during which the accident occurred; and

(2) injury has been reported to the Mine Safety Administration.

(c) It shall be the duty of the operator of any mine to operate such mine in full conformity with the coal mining laws of this state.

(Formerly: Acts 1955, c.168, s.29.) As amended by P.L.35-2007, SEC.20.

**IC 22-10-4 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-5 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-6 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-7 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-8 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-9 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-10 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-11 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-12 Chapter 12. Safety Equipment and Safeguards**

**IC 22-10-12-1 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-12-2 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-12-3 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-12-4 Repealed**

*(Repealed by P.L.165-1997, SEC.12.)*

**IC 22-10-12-5 Repealed**

*(Repealed by P.L.165-1997, SEC.12.)*

**IC 22-10-12-6 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-12-7 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

**IC 22-10-12-8 Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2251.)*

**IC 22-10-12-9 Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2251.)*

**IC 22-10-12-10 Mine rescue team equipment**

Sec. 10. The Bureau of mines and mine safety shall acquire and maintain at all times the breathing apparatuses, universal testers, booster pumps, and related equipment required to equip two (2) complete rescue teams. This mine rescue equipment shall be housed under the direction of the Bureau.

As added by P.L.232-1983, SEC.1. Amended by P.L.37-1985, SEC.52.

**IC 22-10-12-11 Mine rescue team; training; compensation**

Sec. 11. (a) The Bureau of mines and mine safety shall maintain either one (1) or two (2) mine rescue teams. Each team must consist of at least five (5) members and two (2) alternate members. At the discretion of the Commissioner of Labor, the requirement to maintain either one (1) or two (2) mine rescue teams may be met by using an operator to provide the team members, equipment, and supplies necessary for not more than one (1) team. The board shall:

(1) require active underground mines to provide personnel for the mine rescue teams; and

(2) consult with operators to determine the number of personnel that each operator of an active underground mine is required to furnish for the mine rescue teams.

The Director, in consultation with the board, shall determine the training and retraining requirements for the mine rescue teams, consistent with Mine Safety Administration requirements.

(b) When practical, members of a mine rescue team shall be made up of supervisory and non-supervisory employees.

(c) A member of a mine rescue team shall be fully compensated by the owner or operator for wages lost and expenses incurred while being trained under this section if the employee elects to be compensated.

(d) Compensation for damages arising from the injury or death of a member of a mine rescue team while performing rescue operations shall be limited to the rights and remedies provided by the injured person's employer. However, the employer of the injured or fatally injured mine rescue team member is entitled to reimbursement from the operator whose mine is the subject of the rescue attempt for the actual cost to the employer that is attributable to the injury or death.

(e) The operator of the mine that is the subject of the rescue attempt shall reimburse the Bureau for the actual cost of a mine rescue operation, including compensation for all mine rescue team members.

As added by P.L.232-1983, SEC.2. Amended by P.L.37-1985, SEC.53; P.L.243-1987, SEC.13; P.L.215-1989, SEC.6; P.L.1-1990, SEC.239; P.L.35-2007, SEC.21.

### **IC 22-10-12-12 Mine disaster rescue operations**

Sec. 12. In the event of an underground mine disaster affecting mine personnel, the director of the Bureau of mines and mine safety shall:

- (1) report immediately to the mine;
- (2) cooperate with the Mine Safety Administration; and
- (3) assist the rescue operations.

As added by P.L.232-1983, SEC.3. Amended by P.L.37-1985, SEC.54; P.L.35-2007, SEC.22.

### **IC 22-10-12-13 Annual statistical report; list of rescue teams**

Sec. 13. The director of the Bureau of mines and mine safety shall provide an annual statistical report including a list of all trained mine rescue teams. The report shall be sent to all mines that have mine rescue teams.

As added by P.L.232-1983, SEC.4. Amended by P.L.37-1985, SEC.55.

### **IC 22-10-12-14 Application of certain sections to surface coal mines**

Sec. 14. Sections 10, 11, 12, and 13 of this chapter apply to any surface coal mine at the request of the mine owner or operator.

As added by P.L.232-1983, SEC.5.

### **IC 22-10-12-15 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

### **IC 22-10-12-16 Mine safety fund; establishment; administration**

Sec. 16. (a) The mine safety fund is established to provide funding for the purchase and maintenance of underground mine rescue equipment.

(b) The Department of Labor shall administer the fund.

(c) The fund consists of:

(1) assessments collected by the mining board under IC 22-10-1.5-5(a)(4) and deposited into the fund;

(2) fees:

(A) from examinations under IC 22-10-3-10(g);

(B) for duplicate certificates under IC 22-10-3-11(a); and



(C) from applicants for a certificate under IC 22-10-3-13(d); and  
(3) interest from investments as accrued and deposited under subsection (d).

(d) The treasurer of state shall invest the 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 accumulates from these investments shall be deposited into the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.187-2003, SEC.3. Amended by P.L.35-2007, SEC.23.

### **IC 22-10-13 Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2251.)*

### **IC 22-10-13.1 Repealed**

*(Repealed by P.L.35-2007, SEC.26.)*

### **IC 22-10-14 Repealed**

*(Repealed by P.L.1-1992, SEC.111.)*

## **IC 22-10-15 Chapter 15. Alcohol Use and Illegal Use of Drugs**

### **IC 22-10-15-1 "Chemical test"**

Sec. 1. As used in this chapter, "chemical test" has the meaning set forth in IC 9-13-2-22. As added by P.L.35-2007, SEC.24.

### **IC 22-10-15-2 "Illegal use of drugs"**

Sec. 2. As used in this chapter, "illegal use of drugs" has the meaning set forth in IC 22-9-5-12.

As added by P.L.35-2007, SEC.24.

### **IC 22-10-15-3 "SAMHSA"**

Sec. 3. As used in this chapter, "SAMHSA" means the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration.

As added by P.L.35-2007, SEC.24.

#### **IC 22-10-15-4 Drug and alcohol testing of mine employee**

Sec. 4. Notwithstanding IC 22-9-5-24, an operator or a representative of the operator may test a mine employee on the grounds of the mine or off premises at a medical facility:

- (1) to determine the illegal use of drugs by the mine employee; or
- (2) to determine whether the mine employee has an alcohol concentration equivalent to at least four-hundredths (0.04) grams alcohol per:
  - (A) one hundred (100) milliliters of the mine employee's blood; or
  - (B) two hundred ten (210) liters of the mine employee's breath.

As added by P.L.35-2007, SEC.24.

#### **IC 22-10-15-5 Conducting test**

Sec. 5. The operator or a representative of the operator may conduct or cause to be conducted the test under section 4 of this chapter:

- (1) when there is probable cause to conduct the test with an employee; or
- (2) on a random basis among the mine employees.

As added by P.L.35-2007, SEC.24.

#### **IC 22-10-15-6 Legally approved testing technique; standards; certified test results**

Sec. 6. (a) Alcohol or drug testing results, or both, may be obtained by a chemical test that at the date of the testing is a legally approved testing technique.

(b) An alcohol or a drug test must be conducted in accordance with standards, procedures, and protocols set forth by SAMHSA.

(c) Testing must be performed by a laboratory certified in accordance with the National Laboratory Certification Program under SAMHSA.

(d) Test results shall be certified by a medical review officer who has the ability and training necessary to verify test results.

As added by P.L.35-2007, SEC.24.

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**HEA 1335 (2007)**

[EFFECTIVE UPON PASSAGE]: Sec. 87.5. IC 22-10-12-11(d) (Concerning the operator of an underground mine that is the subject of a rescue attempt that results in the injury to or death of a member of a mine rescue team).

SOURCE: IC 22-10-1.5-8; IC 22-10-2-7; IC 22-10-2-8; IC 22-10-3- 2; IC 22-10-4; IC 22-10-5; IC 22-10-6; IC 22-10-7; IC 22-10-8; IC 22- 10-9; IC 22-10-10; IC 22-10-11; IC 22-10-12-1; IC 22-10-12-2; IC 22-10-12-3; IC 22-10-12-6; IC 22-10-12-7; IC 22-10-12-15; IC 22-10- 13.1.; (07)HE1335.1.26. --> SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 22-10-1.5-8; IC 22-10-2-7; IC 22-10-2-8; IC 22-10-3-2; IC 22-10-4; IC 22-10-5; IC 22-10-6; IC 22-10-7; IC 22-10-8; IC 22-10-9; IC 22-10-10; IC 22-10-11; IC 22-10-12-1; IC 22-10-12-2; IC 22-10-12-3; IC 22-10-12-6; IC 22-10-12-7; IC 22-10-12-15; IC 22-10-13.1.

SOURCE: (07)HE1335.1.27. --> SECTION 27. [EFFECTIVE UPON PASSAGE] (a) IC 22-10-15-4, as added by this act, does not:

- (1) apply to or abrogate a labor contract or labor agreement addressing alcohol or drug testing, or both, in effect on the effective date of this act; or
- (2) preclude arbitration on a provision in a labor contract or labor agreement referred to in subdivision (1).

(b) This SECTION expires January 1, 2012.

SOURCE: (07)HE1335.1.28. --> SECTION 28. An emergency is declared for this act.



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