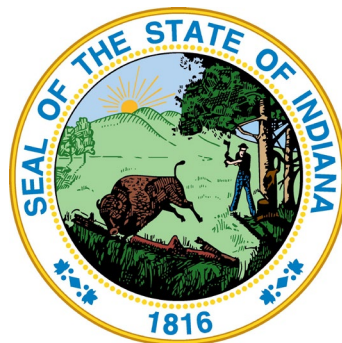


ADMINISTRATIVE RULES DRAFTING MANUAL

Prepared by the Legislative Services Agency
Indiana Register and Administrative Code Division
Under the Direction of
The Indiana Code Revision Commission



This version of the Administrative Rules Drafting Manual was passed by the Code Revision Committee and is awaiting review by the Legislative Council.

LEGISLATIVE COUNCIL

Senator Rodric Bray, Chairperson
Representative Todd Huston, Vice Chairperson

Senator Ed Charbonneau	Representative Phil GiaQuinta
Senator J.D. Ford	Representative Carey Hamilton
Senator Chris Garten	Representative Matt Lehman
Senator Susan Glick	Representative Sharon Negele
Senator Travis Holdman	Representative Cherrish Pryor
Senator Greg Taylor	Representative Edmond Soliday
Senator Shelli Yoder	Representative Gregory Steuerwald

George T. Angelone, Executive Director
Diane Powers, Deputy Executive Director

INDIANA CODE REVISION COMMISSION

Senator Aaron Freeman, Chairperson
Representative Karen Engleman, Vice Chairperson

Senator Mike Gaskill	Attorney General Todd Rokita
Senator Rodney Pol	Secretary of State Diego Morales
Senator Greg Taylor	Chief Justice Loretta H. Rush
Representative Pat Boy	Chief Judge Robert R. Altice, Jr.
Representative Edward DeLaney	Gretchen Gutman
Representative Kyle Pierce	John Hammond
	Honorable Gary Miller

John Kline, Revisor of Statutes
Ed Gohmann, Deputy Revisor of Statutes
Stephanie Lawyer, Deputy Revisor of Statutes

Pamela Walters, Revisor of Rules
Heather Jarrett, Publication Production Specialist
Staci Yockey, Editor

THIS MANUAL IS A REVISION OF THE
ADMINISTRATIVE RULES DRAFTING MANUAL
THAT WAS APPROVED BY THE
LEGISLATIVE COUNCIL ~~MAY 24, 2022.~~

TABLE OF CONTENTS

INDIANA ADMINISTRATIVE CODE	7
INDIANA REGISTER	7
CHAPTER 1. GENERAL INFORMATION.....	8
DEFINITIONS USED IN THIS MANUAL.....	8
PURPOSE OF MANUAL.....	8
PREVIOUS MANUAL EDITIONS	8
DRAFTING MANUAL FOR THE INDIANA GENERAL ASSEMBLY	9
REFERENCE BOOK	9
USER'S GUIDE TO THE INDIANA REGISTER AND INDIANA ADMINISTRATIVE CODE	9
CONTACT INFORMATION	9
CHAPTER 2. ORGANIZATION AND CODIFICATION	10
IAC CITATION SCHEME	10
CODIFICATION SYSTEM	10
DIVISION OF SECTIONS	11
UNDESIGNATED SECTIONS	12
REDESIGNATION WITHIN A SECTION	12
NUMERALS	13
RESERVED NUMBERS	13
DECIMAL NUMBERS	13
REPEALED NUMBERS	13
TRANSFERRED NUMBERS	13
CHAPTER 3. DRAFTING TECHNIQUES.....	14
RULE DOCUMENT INCLUSIONS	14
NEW TEXT	14
AMENDMENT TECHNIQUE.....	14
CHANGES TO REFERENCE LINES	14
NONCODE PROVISIONS	15
PROVISIONAL RULES; INTERIM RULES.....	15
SPECIFIC REPEALS	16
REVIVING A REPEALED RULE.....	16
AMENDING EFFECTIVE DATES; EXPIRATION DATES.....	16
USE OF ENTIRE TERM	17
CAPITALIZATION; PUNCTUATION.....	17

MINIMAL CHANGE.....	17
DIFFERENCES BETWEEN PROPOSED RULES AND FINAL RULES	18
CHAPTER 4. DOCUMENT TYPES.....	19
INTRODUCTION	19
NOTICE OF PUBLIC COMMENT PERIOD	19
NOTICE OF PUBLIC HEARING FOR A PUBLIC COMMENT PERIOD	23
FINAL RULE.....	23
AGENCY CORRECTION.....	24
NOTICE OF RECALL.....	24
NOTICE OF WITHDRAWAL	24
READOPTIONS.....	24
JOINT PROMULGATION.....	26
PROVISIONAL RULES	26
INTERIM RULES	26
PUBLICATION OF OTHER DOCUMENTS.....	28
IC 4-22-2-19; IC 4-22-2-25 NOTICE CONCERNING DELAY IN RULEMAKING.....	28
60 DAY REQUIREMENT	28
ONE YEAR REQUIREMENT	28
CHAPTER 5. PUBLISHING PROCEDURES; COMPONENTS OF A RULE DOCUMENT.....	30
PUBLISHING PROCEDURES	30
COMPONENTS OF A RULE DOCUMENT	30
IAC TITLE NUMBER AND AGENCY NAME	30
LSA DOCUMENT NUMBER	30
NARRATIVE PARAGRAPH.....	31
SECTION ORDER	32
SECTION NUMBERING.....	32
CITATION ORDER	32
LEAD-IN LINE; ORGANIZATION INTO SECTIONS.....	32
REPEALERS	34
EFFECTIVE DATE SECTIONS.....	34
REFERENCE LINES	34
AUTHORITY LINE	35
AFFECTED LINE	35
HISTORY LINE	36

CHAPTER 6. STYLE RECOMMENDATIONS	37
CITATIONS	37
INDIANA CODE.....	37
NONCODE INDIANA STATUTES	37
PRE-IAC RULES	37
CITING IN THE INDIANA REGISTER.....	37
NONCODE INDIANA RULES	38
UNITED STATES CODE	38
CODE OF FEDERAL REGULATIONS.....	39
CONSECUTIVE SECTIONS	39
INTERNAL REFERENCES	40
EFFECTIVE DATES WITHIN RULE TEXT	40
EXPRESSION OF NUMBERS	41
EXCEPTIONS.....	41
FRACTIONS	42
PERCENTAGES.....	43
ORDINALS	43
MONEY	43
DATES.....	43
TIME	44
TEMPERATURE.....	44
USE OF "ONE"	44
TABULATION STYLE; DESIGNATED BLOCKS OF TEXT.....	44
ABBREVIATIONS	46
ACRONYMS.....	47
AND; OR.....	48
APOSTROPHES	48
BRACKETS	49
BREVITY	49
CAPITALIZATION	49
CAPITALIZATION STYLES FOR HEADINGS	52
ARTICLE HEADINGS	52
RULE HEADINGS.....	53
SECTION HEADINGS.....	53
COLONS	53
COMMANDING; AUTHORIZING; FORBIDDING; NEGATING	53
COMMAS.....	54

CONSISTENCY	55
GENDER.....	55
HYPHENS	55
LIMITATIONS; EXCEPTIONS; CONDITIONS	55
INDICATIVE MOOD	56
USE OF SINGULAR; PLURAL.....	56
PARENTHESES.....	56
QUOTATION MARKS	57
REPETITIOUS LANGUAGE.....	57
SEMICOLONS.....	57
SENTENCE STRUCTURE.....	57
SUBJECT OF SENTENCE	58
SUCH; SAID.....	58
TENSE	58
VOICE	59
WHICH; THAT	59
CHAPTER 7. ORGANIZATION AND ORDER OF A RULE DOCUMENT	60
INTRODUCTION	60
ORGANIZATION AND ORDER OF PROVISIONS IN A RULE DOCUMENT	60
DEFINITIONS IN GENERAL.....	60
DEFINITIONS IN A NEW ARTICLE	61
DEFINITIONS IN A NEW RULE	62
ADDING DEFINITIONS TO EXISTING ARTICLES AND RULES.....	62
INCORPORATIONS BY REFERENCE.....	62
SEVERABILITY AND NONSEVERABILITY	63

INDIANA ADMINISTRATIVE CODE

The Indiana Administrative Code (IAC) is published under the authority of the Legislative Council. The IAC is a compilation of the text of all permanent Indiana administrative rules. The first official edition of the IAC was published in 1979. The IAC was republished in 1984, 1988, 1992, 1996, and 2001 and annually since 2003. Since the posting of the 2007 edition, the IAC has been updated on the Register through the Indiana General Assembly's website as final rules have become effective. The Indiana Register and Administrative Code Division (division) of the Legislative Services Agency acts as the publishing branch of the Legislative Council for the IAC.

INDIANA REGISTER

The Indiana Register (IR) is a serial publication containing the full text of proposed rules, Final Rules, and other documents, such as Notices of Public Hearing, Notices of Public Comment Period, nonrule policy documents, Executive Orders, and Attorney General's Opinions. The IR was published monthly from July 1, 1978, to July 1, 2006. Beginning July 2, 2006, the IR has been published on the Register only. Final Rules published in the IR are later codified in the IAC. The IR can be considered an "advance sheet" of Final Rules to be codified in the IAC. Other documents, such as notices, nonrule policy documents, Executive Orders, and Attorney General's Opinions, that are posted on the Register, are not subsequently published in the IAC. The division acts as the publishing branch of the Legislative Council for the IR.

CHAPTER 1. GENERAL INFORMATION

DEFINITIONS USED IN THIS MANUAL

The following definitions apply throughout this manual:

- (1) "Division" or "publisher" means the Indiana Register and Administrative Code Division of the LSA.
- (2) "IAC" means the Indiana Administrative Code.
- (3) "IC" means the Indiana Code.
- (4) "IR" means the Indiana Register.
- (5) "LSA" means the Legislative Services Agency.
- (6) "Register" means the IR website found at <http://iac.iga.in.gov/iac/irtoc.htm>.

PURPOSE OF MANUAL

This manual was prepared by the division and approved by the Indiana Code Revision Commission and the Legislative Council on ~~May 24, 2022~~. The purpose of this manual is to provide a uniform and consistent format and style for rules published in the IR and IAC. This manual implements IC 4-22-2-42, which reads:

Sec. 42. The publisher, with the assistance of the code revision commission, shall establish a format, a numbering system, standards, and techniques for agencies to use whenever they draft and prepare rules under this chapter.

IC 4-22-2-20 states:

Sec. 20. (a) Whenever an agency submits a rule to the publisher, the attorney general, or the governor under this chapter, the agency shall submit the rule in the form of a written document that:

- (1) is clear, concise, and easy to interpret and to apply; and
- (2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

(b) After June 30, 2006, all documents submitted to the publisher under this chapter must be submitted electronically in the format specified by the publisher.

PREVIOUS MANUAL EDITIONS

This manual replaces the May 24, 2022, Edition of the Administrative Rules Drafting Manual.

DRAFTING MANUAL FOR THE INDIANA GENERAL ASSEMBLY

This manual has similar standards to the standards set forth in the Drafting Manual for the Indiana General Assembly approved by the Legislative Council on ~~December 19, 2012~~. This manual differs from the Drafting Manual for the Indiana General Assembly in subjects that are unique to administrative rulemaking.

REFERENCE BOOK

The American Heritage Dictionary of the English Language, Fifth Edition, is the standard dictionary used for the IR and the IAC. When alternative spellings are listed for a word, use the first or preferred spelling.

USER'S GUIDE TO THE INDIANA REGISTER AND INDIANA ADMINISTRATIVE CODE

The User's Guide to the Indiana Register and Indiana Administrative Code includes information on rulemaking procedures, document examples, and submission information. The User's Guide may be found at <http://iac.iga.in.gov/iac/faqs.pdf>.

CONTACT INFORMATION

Questions for the Register staff and document submissions may be submitted by email to register@iga.in.gov.

CHAPTER 2. ORGANIZATION AND CODIFICATION

IAC CITATION SCHEME

(a) Rules are codified for purposes of identification and citation by a four (4) level numbering system as follows:

(1) The number preceding IAC in the citation indicates the title. The title number identifies the agency or other body adopting the rule.

EXAMPLE: 410 IAC indicates that the rules of the Indiana Department of Health are codified in Title 410 of the IAC.

(2) The number following IAC in the citation indicates the article. An article codifies a broad category of rules.

EXAMPLE: 410 IAC 1 indicates where to find the rules of the Indiana Department of Health on the topic of communicable disease control.

(3) The penultimate number in the citation occurs after the article level and indicates a rule identifying a specific subject.

EXAMPLE: 410 IAC 1-1 indicates where to find rules of the Indiana Department of Health concerning the immunization of school children.

(4) The last number in the citation indicates a specific section of a rule.

EXAMPLE: 410 IAC 1-1-1 indicates the section of the rule concerning the immunization of school children that specifically deals with immunization requirements.

(b) The following example includes each element in the citation 410 IAC 1-1-1:

EXAMPLE: 410 IAC refers to Title 410
410 IAC 1 refers to Title 410, Article 1
410 IAC 1-1 refers to Title 410, Article 1, Rule 1
410 IAC 1-1-1 refers to Title 410, Article 1, Rule 1, Section 1

CODIFICATION SYSTEM

Agency rules are organized by titles. A title is organized into one (1) major grouping in the following manner:

- Each title contains one (1) or more articles.
- Each article contains one (1) or more rules.
- Each rule contains one (1) or more sections.

DIVISION OF SECTIONS

(a) If a section contains more than one (1) paragraph, the section is divided into designated subsections. Similarly:

- (1) a subsection may be divided into subdivisions;
- (2) a subdivision may be divided into clauses;
- (3) a clause may be divided into items; and
- (4) an item may be divided into subitems.

(b) The following is an illustration of a section that contains various designations. In the left margin is a description of the different levels of tabulation shown.

SUBSECTION: Sec. 1. (a) _____ :
SUBDIVISION: (1) _____ ;
SUBDIVISION: (2) _____ :
CLAUSE: (A) _____ ; and (or)
CLAUSE: (B) _____ :
ITEM: (i) _____ ; and (or)
ITEM: (ii) _____ :
SUBITEM: (AA) _____ ; and (or)
SUBITEM: (BB) _____ ; and (or)
SUBDIVISION: (3) _____ .
SUBSECTION: (b) _____ .

(c) The tabulation and indentation for sections, subsections, subdivisions, clauses, items, and subitems is as follows:

- (1) For a section, a tab for a paragraph indent.
- (2) For a subsection, a tab for a paragraph indent. However, for a section with more than one (1) subsection, the designation for subsection (a) immediately follows the numeral designating the section. For instance, "Sec. 1. (a)...".
- (3) For a subdivision, a single indent.
- (4) For a clause, a double indent.
- (5) For an item, a triple indent.
- (6) For a subitem, a quadruple indent.

[The following page shows an example of designations within an IAC section.]

326 IAC 10-2-8 Record keeping and reporting

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. (a) The designated representative of a large affected unit shall comply with all applicable record keeping and reporting requirements in this section and 40 CFR 75.73*, as follows:

(1) The owner or operator of a large affected unit shall comply with requirements of both:

- (A) 40 CFR 75.73(c)*; and
- (B) 40 CFR 75.73(e)*.

(2) The designated representative shall submit an application to the department within forty-five (45) days after completing all initial certification or recertification tests required under section 5 of this rule, including the information required under 40 CFR 75.63*.

(b) The designated representative shall submit quarterly reports as follows:

(1) If the large affected unit is subject to an acid rain emissions limitation or if the owner or operator of the unit chooses to report on an annual basis under this section, the designated representative shall:

- (A) meet the requirements of 40 CFR 75, Subpart H* for the entire year; and
- (B) report the NO_x mass emissions data and heat input data in an electronic quarterly report in a format prescribed by U.S. EPA, for each calendar quarter corresponding to the earlier of:
 - (i) the date of provisional certification; or
 - (ii) for a unit that commences commercial operation on or after the effective date of this rule, the calendar quarter corresponding to the earlier of:
 - (AA) the date of provisional certification; or
 - (BB) the applicable deadline for initial certification under section 4(a) of this rule.

UNDESIGNATED SECTIONS

If a section contains only one (1) major paragraph of text, a subsection designation is not required. However, if the section is subdivided, designations are used for the subdivided elements. The following is an illustration of a section with one (1) major paragraph and subdivided elements:

SECTION: Sec. 1. _____ :

SUBDIVISION: (1) _____ ;

SUBDIVISION: (2) _____ :

CLAUSE: (A) _____ ; and (or)

CLAUSE: (B) _____ ; and (or)

SUBDIVISION: (3) _____ .

REDESIGNATION WITHIN A SECTION

(a) If text is revised in a manner that omits, rearranges, or inserts an element in a series, the series is redesignated.

(b) If text is revised in a manner that eliminates all but one (1) of the elements in a series, the remaining designation is eliminated and its text is run into the other text.

EXAMPLE:

Sec. 21. (a) This section applies only to intermediate care facilities.

(b) Recognition of the costs related to total staffing requirements will be limited to ~~4.5~~ **four and seventy-five hundredths (4.75)** hours worked per patient day in skilled nursing facilities.

~~(c) The minimum nursing staffing requirements shall be 2.5 hours worked per patient per day.~~

~~(d)~~ **(c) Providers of intermediate care facilities services whose allowable costs are less than the MAL shall be allowed to retain a percent of the difference as an incentive for efficient operations.**

NUMERALS

(a) Numerals are consecutively assigned at the article, rule, and section level beginning with "1".

(b) The numeral zero (0) may not be used as an article, a rule, or a section number.

(c) *Reserved numbers*

An article, a rule, or a section number may not be reserved by:

- (1) leaving the number unused; or
- (2) drafting a superfluous statement that nominally uses the number.

(d) Two (2) or more pending rule documents adding part of a consecutive series to an article, a rule, or a section must be submitted in an order that avoids the reservation of a number. If documents are issued with article, rule, or section numbers out of order, the publisher reassigns the numbers.

(e) *Decimal numbers*

A decimal number may be used only if:

- (1) the next higher number has been used in another proposed rule or Final Rule; and
- (2) placement of the rule before another rule at the same article, rule, or section level is more logical than placing the rule at the end of that level.

(f) A decimal value must be an increment of one-tenth of a numeral, specifically, .1 through .9. Decimal values may not exceed .9.

(g) *Repealed numbers*

If an entire article, rule, or section is repealed, the repealed number may not be reused.

(h) *Transferred numbers*

If text is transferred by the general assembly from the jurisdiction of one (1) agency to another, the former title, article, rule, or section number may not be reused.

CHAPTER 3. DRAFTING TECHNIQUES

RULE DOCUMENT INCLUSIONS

(a) When an existing IAC section or a noncode SECTION is amended, the text of the entire IAC section or noncode SECTION is included in a rule document. The text of an IAC section or a noncode SECTION that does not contain any type of amendment is not included in the document.

(b) Article headings and rule headings are included in a rule document only when being added or amended. When amending these headings, the text of the entire heading is shown in bold. It is not necessary to strike the text in headings to show changes.

NEW TEXT

New text is printed in bold type, including the addition of an entirely new section or new text added to an existing section.

EXAMPLE:

Sec. 1. The:

(1) county office of family and social services; **and**

(2) **local health officer;**

shall **jointly** inspect facilities.

AMENDMENT TECHNIQUE

Existing text is deleted by striking. If new text is being added to occupy the same location as the stricken text, the new text will follow the stricken text in bold type.

EXAMPLE:

Sec. 1. The ~~county office of family and social services and the local health officer shall jointly inspect facilities.~~ **each facility once a month.**

CHANGES TO REFERENCE LINES

(a) Reference lines include the following:

- (1) Section heading.
- (2) Section number.
- (3) Authority and affected lines.
- (4) History line.

(b) Changes to reference lines are made without showing the text as stricken or bold.

(c) Reference lines are not part of the official text of a rule and may be changed at any time.

NONCODE PROVISIONS

(a) Noncode provisions of a rule are temporary SECTIONS that are not included in the IAC but are posted on the Register.

(b) Noncode provisions may:

(1) contain a specific termination date that is within two (2) years after the date of adoption of the rule (e.g., Provisional Rule; Interim Final Rule); or

(2) terminate by implication when their purpose is fulfilled or ceases to exist (e.g., repealer; effective date; expiration date provisions).

PROVISIONAL RULES; INTERIM RULES

(a) An agency, with governor approval, may adopt provisional rules under IC 4-22-2-37.1 or interim rules under IC 4-22-2-37.2. Provisional or interim rules add a noncode SECTION that revises one (1) or more IAC sections without specifically repealing the affected IAC sections permanently.

(b) Provisional and interim rules, because of their temporary nature, are drafted as noncode rules.

(c) If an existing IAC section is being temporarily amended, the language of the existing text is not stricken. The language "This SECTION supersedes/supplements [existing IAC section citation]." is used to indicate that an IAC section is being temporarily amended. The text for each SECTION is shown in bold type.

EXAMPLE: SECTION 1. **(a) This SECTION is supplemental to 856 IAC 2-2.**

EXAMPLE: SECTION 1. **(a) This SECTION supersedes 856 IAC 2-2-2.**

(d) If text is being temporarily added, the added text starts after the SECTION number.

EXAMPLE: SECTION 2. **(a) A charitable bail organization may not engage in business in Indiana without first obtaining certification from the department.**

(e) If an existing IAC section is being temporarily suspended, the IAC citation number is listed in a noncode SECTION that appears before the noncode SECTION with the expiration date.

EXAMPLE: SECTION 3. 71 IAC 8-2-1 IS SUSPENDED.

EXAMPLE: SECTION 3. THE FOLLOWING ARE SUSPENDED: 71 IAC 8-2-2; 71 IAC 8-2-4; 71 IAC 8.5-13-2; 71 IAC 11-1-19; 71 IAC 12-1-22.

- (f) A SECTION of a provisional or an interim rule may be suspended only to:
 - (1) terminate the effect of the provisional or interim rule SECTION before the date it expires; or
 - (2) codify part or all of the provisional or interim rule SECTION by:
 - (A) adopting it as a permanent rule; and
 - (B) terminating the effect of any remaining provisions.

NOTE: Under IC 4-22-2-37.1(e) and IC 4-22-2-37.2(h), provisional and interim rules may temporarily suspend but not repeal an existing IAC citation.

(g) A noncode SECTION with the expiration date is used with a provisional or an interim rule as the last SECTION of the rule.

EXAMPLE: SECTION 4. This document expires September 29, 2024.

SPECIFIC REPEALS

(a) A rule is repealed through the use of a specific repealer.

(b) The text of an entire IAC article, rule, or section is not repealed by amendment. Only the IAC citation number of the repealed article, rule, or section is added in a noncode SECTION of a rule document.

EXAMPLE: SECTION 2. 310 IAC 13 IS REPEALED.

EXAMPLE: SECTION 2. THE FOLLOWING ARE REPEALED: 470 IAC 5-3-1; 470 IAC 5-3-5; 470 IAC 5-3-6; 470 IAC 5-3-7; 470 IAC 5-6.

(c) Completely different subject matter may not be added to an IAC section by striking all the existing text and inserting new subject matter. Instead:

- (1) the existing IAC section must be specifically repealed; and
- (2) a new section must be added with a new IAC section number and the text of the new subject matter.

REVIVING A REPEALED RULE

A specific repealer noncode SECTION may not be amended or specifically repealed. To reissue text that has been repealed, the text must be added as a new article, rule, or section.

AMENDING EFFECTIVE DATES; EXPIRATION DATES

The operation of an effective date or an expiration date may be delayed by amendment only if the amendment takes effect before the effective date or expiration date. Otherwise, an effective date or expiration date may not be amended.

USE OF ENTIRE TERM

If part of a term, such as a:

- (1) word;
- (2) citation;
- (3) number;
- (4) designation;
- (5) symbol;
- (6) sign; or
- (7) mathematical or scientific expression;

is revised, including punctuation contained within or immediately after the term, the term must be replaced as a unit, as shown below:

INCORRECT:

students

470 IAC 1-5-9 **10** or 470 IAC ~~1-5-9~~ **1-5-10**

\$5.~~50~~ **25** or \$~~5.50~~ **5.25**

twenty-five ~~six~~

CORRECT:

~~student~~ **students**

~~470 IAC 1-5-9~~ **470 IAC 1-5-10**

~~\$5.50~~ **\$5.25**

~~twenty-five~~ **twenty-six**

CAPITALIZATION; PUNCTUATION

(a) Capitalization or punctuation in a rule may be revised without striking and reinserting in bold type.

(b) When punctuation is added to existing text, the punctuation is shown in the typeface of the text preceding it; it does not need to be added in bold.

MINIMAL CHANGE

(a) An amendment must contain the least number of stricken terms necessary to complete the revision.

(b) A term that is not revised or relocated by an amendment may be stricken and replaced if the term is part of a:

- (1) phrase or other block of text that is more readable when replaced as a whole; or
- (2) table column or other specially formatted line of text where spacing limits the inclusion of both the stricken and new versions of that text.

(c) Artwork is stricken in a document by covering it with an X.

(d) When an IAC section becomes difficult to read due to extensive amendments with stricken and bold text, it is often advisable to repeal and replace the section by adding a new IAC section with a new IAC section number.

DIFFERENCES BETWEEN PROPOSED RULES AND FINAL RULES

(a) If text is stricken in a proposed rule and the same text is not stricken in the Final Rule, the text is reset as roman typeface.

(b) If new text is inserted in bold in a proposed rule and not adopted for the Final Rule, the bold text is deleted from the Final Rule.

CHAPTER 4. DOCUMENT TYPES

INTRODUCTION

(a) The adoption of administrative rules in Indiana is governed by the requirements of IC 4-22-2. The definition section at IC 4-22-2-3 and the applicability section at IC 4-22-2-13 combine to exempt the legislative and judicial branches, local governments, any military officer or board, and any state educational institution from the procedural requirements of IC 4-22-2.

(b) Supplementing the requirements of IC 4-22-2, IC 13-14-9 imposes additional rulemaking requirements upon the Indiana Department of Environmental Management in its preparation of proposals for adoption by the Environmental Rules Board.

(c) Except for Final Rule documents, all documents must be submitted electronically via email to the publisher at register@iga.in.gov. Final Rules are burned to CD and submitted to the Office of the Attorney General in a binder, along with copies of other documents required for Final Rule submission. Other procedures for submitting documents to the publisher, as well as document examples and templates, can be found in the User's Guide on the Register.

NOTICE OF PUBLIC COMMENT PERIOD

(a) A Notice of First Public Comment Period under IC 4-22-2-23 and Notice of Second Public Comment Period under IC 4-22-2-24 both contain the following major components:

- (1) A narrative paragraph explaining the purpose of the notice and a description of the major provisions of the rule.
- (2) A list of IAC citations affected by the rule.

CITATIONS AFFECTED: 329 IAC 10-3-1; 329 IAC 10-3-4

- (3) A list of statutory authority citations of the rule.

AUTHORITY: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

- (4) Overview of the intent and scope of the rule, where the text:
 - (A) is clear, concise, and easy to interpret;
 - (B) includes a detailed statement of the issue to be addressed in the proposed rule, including the background and purpose of the rule; and
 - (C) includes the parties to be affected by the rule.
- (5) The following:
 - (A) Name, address, telephone number, and email address of the small business ombudsman and a statement of resources through the small business ombudsman designated under IC 5-28-17-6.

(B) Information concerning where, when, and how a person may submit comments on the proposed rule, including the name, address, telephone number, and email address of the small business regulatory coordinator under IC 4-22-2-28.1.

EXAMPLE:

For purposes of IC 4-22-2-28.1, small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

[contact information]

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 5-28-17-6, specifically IC 5-28-17-6(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENTS

The [*Agency name*] is soliciting public comments on the proposed rule.

Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #XX-XXX

[*Rule Writer*]

[*Agency Contact Address*]

(2) By electronic mail to [*rule writer email or group email*]. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

(3) Attend scheduled Public Hearing.

(6) A date that is thirty (30) days after the notice is published when the public comment period will conclude.

EXAMPLE:

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than [*publication date plus 30 days*].

- (7) Information concerning where, when, and how a person may do the following:
- (A) Inspect and copy the Regulatory Analysis and the data, studies, or analyses referenced in the Regulatory Analysis.
 - (B) Inspect materials incorporated by reference into the proposed rule, if applicable.

EXAMPLE: The rule, Regulatory Analysis and the data, studies, or analyses referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at [*agency name with street address*] and are available for public inspection. Copies of the rule, Regulatory Analysis and the data, studies, or analyses referenced in the Regulatory Analysis are available at the office of [*agency name*].

(8) The proposed rule text.

(9) A website link to the Notice of Public Hearing.

(b) The Notice of First Public Comment Period will also contain the following additional components:

- (1) A website link to the Regulatory Analysis.
- (2) A statement indicating that if the agency does not receive any substantive comments during the thirty (30) day public comment period or public hearing, the agency may adopt a rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of First Public Comment Period.

EXAMPLE: If [*agency name*] does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

(c) The Notice of Second Public Comment Period will also contain the following additional components:

- (1) A history of the documents submitted during the rulemaking, including the Notice of First Public Comment Period, Notice of Public Hearing, and any additional notices.

EXAMPLE:

HISTORY

First Notice of Comment Period: February 19, 2020, Indiana Register (DIN: 20200219-IR-329200023FNA).

Notice of First Hearing: February 9, 2022, Indiana Register (DIN: 20220209-IR-329200023PHA).

Change in Notice of Public Hearing: August 24, 2022, Indiana Register (DIN: 20220824-IR-329200023CHA).

Date of First Hearing: November 9, 2022.

(2) A summary of the comments received by the agency during the first public comment period and a summary of the response of the agency to the comments.

EXAMPLE:

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from October 13, 2021, through November 12, 2021, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Mindy Westrick Brown, Indiana Energy Association (IEA)

Lisa Evans, Earthjustice (EJ)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The commenter supports this rulemaking conditioned on the requirement that a state CCR permit program does not include requirements more stringent than the federal CCR rule. (IEA)

Response: IDEM's CCR permit program must be at least as stringent as federal law in order to gain EPA approval and operate in lieu of federal law. There are some state-specific requirements, listed above, in the rulemaking that differ from federal law but are consistent with IDEM's permitting process for other, similar facilities.

(3) Either:

(A) a statement indicating that no changes in the Regulatory Analysis have been made from the version published in the Notice of First Public Comment Period; or

(B) the website link to the latest version of the Regulatory Analysis.

(4) An explanation of any differences between the text of the proposed rule published in the Notice of First Public Comment Period and the text of the proposed rule to be published in the Notice of Second Public Comment Period.

(5) A statement indicating that the notice is for the second of two (2) thirty (30) day periods in which the public may comment on the proposed rule, and that following the second public comment period, the agency may adopt a version of the proposed

rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.

NOTE: Example documents may be found in the User's Guide on the Register.

NOTE: Documents may not be accepted for publication if the information submitted is incomplete or supporting documentation, including electronic copies of materials incorporated by reference, are not included.

NOTICE OF PUBLIC HEARING FOR A PUBLIC COMMENT PERIOD

A Notice of Public Hearing must include the following:

- (1) The date, time, and location of the public hearing.
- (2) A reference of the subject matter.
- (3) A declaration that a copy of the proposed rule and Regulatory Analysis and the data, studies, or analyses referenced in the justification statement is on file and may be examined and copied in the office of the agency proposing the rule.
- (4) Information on how to attend the public hearing remotely.
- (5) A statement indicating either of the following:
 - (A) For a first public comment period, that if the agency does not receive any substantive comments during the thirty (30) day public comment period or public hearing, the agency may adopt a rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of First Public Comment Period.
 - (B) For a second public comment period, that the notice is for the second of two (2) thirty (30) day periods in which the public may comment on the proposed rule, and that following the second public comment period, the agency may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.

NOTE: Additional notices may be published at any time during rulemaking.

NOTE: A Change in Notice of Public Hearing will contain the text of the original Notice of Public Hearing, with changes to the date, time, and location in bold text.

FINAL RULE

(a) A Final Rule must contain text as adopted by an agency. Changes made after publication of the proposed rule, which is the basis for the Final Rule, must be integrated into the Final Rule. A summary of the comments received by the agency during each public comment period and public hearing, as well as a summary of the responses of the agency to the comments, must also be included in the Final Rule.

(b) The Final Rule also contains:

- (1) a DIGEST that includes a narrative paragraph and list of IAC citations affected by the rulemaking; and
- (2) a history of the documents submitted during the rulemaking, including the Notice of First Public Comment Period, Notice of Public Hearing, and any additional notices.

AGENCY CORRECTION

To correct the text of a Final Rule, Provisional Rule, or Interim Final Rule under IC 4-22-2-38, an agency must submit an Agency Correction for filing to the publisher.

NOTICE OF RECALL

To recall an adopted rule but before the rule has been filed with the publisher, an agency must send the LSA document number of the rule by email to the publisher and request that the rule be recalled. Since the Notice of Recall will be generated by the publisher, it is not necessary to send a completed Notice of Recall.

NOTICE OF WITHDRAWAL

To withdraw an adopted rule but before the rule has been filed with the publisher, an agency must send the LSA document number of the rule by email to the publisher and request that the rule be withdrawn. Since the Notice of Withdrawal will be generated by the publisher, it is not necessary to send a completed Notice of Withdrawal.

READOPTIONS

(a) If an agency intends to readopt a rule under IC 4-22-2.6, the agency shall, not later than January 1 of the fourth year after the year in which the rule takes effect, provide initial notice of the intended readoption by submitting a Legislative Notice for Rule Readoption. The Legislative Notice for Rule Readoption contains the following components:

- (1) A general description of the subject matter of all rules proposed to be readopted.
- (2) Statutory authority of the rule.
- (3) A listing of rules that are proposed to be readopted or repealed, listed by their article, rule, or section headings only.

EXAMPLE:

OVERVIEW

Rules to be readopted without changes are as follows:

440 IAC 1.5 LICENSURE OF PRIVATE MENTAL HEALTH
INSTITUTIONS
440 IAC 4-3-1 Mandatory services

Rules to be repealed are as follows:

440 IAC 4.4 ADDICTION TREATMENT SERVICES PROVIDER
CERTIFICATION

(b) Not later than the first regular business day in September of the year preceding the year in which the rule expires, the agency shall submit the Notice of Public Comment Period for Rule Readoption. The Notice of Public Comment Period for Rule Readoption contains the following components:

- (1) A general description of the subject matter of all rules proposed to be readopted.
- (2) Statutory authority of the rule.
- (3) A listing of rules that are proposed to be readopted or repealed, listed by their article, rule, or section headings only (see EXAMPLE above).
- (4) A date that is thirty (30) days after the notice is published when the public comment period will conclude and instructions on how to submit comments to the agency.
- (5) A request for comments on whether specific rules should be reviewed through the regular rulemaking process under IC 4-22-2-23 through IC 4-22-2-36.
- (6) A summary of the agency's findings during the review of the rule to consider the continued need for the rule and whether the rule, if readopted, will meet the standards under IC 4-22-2-19.5 and (if applicable) the requirements for fees, fines, and civil penalties under IC 4-22-2-19.6.

EXAMPLE:

SUMMARY OF FINDINGS UNDER IC 4-22-2.6-4

In accordance with IC 4-22-2.6-4, the department of local government finance (DLGF) has considered the impact of the rule, and any burden it would place on taxpayers. The DLGF finds that the rule is necessary to ensure that real property improvements are accurately valued, in accordance with standard assessment and appraisal practice. Market segmentation analysis allows for a more accurate determination of value based on particular market conditions specific to an area.

(c) A Final Readopted Rule contains the following components:

- (1) A summary of the comments received by the agency during the first public comment period and a summary of the response of the agency to the comments.

- (2) A listing of rules that are proposed to be readopted or repealed, listed by their article, rule, or section headings only (see EXAMPLE on previous page).

JOINT PROMULGATION

If two (2) or more agencies issue joint rules, each agency must:

- (1) propose its rules in a separate document; and
- (2) initiate separate rule proceedings in accordance with IC 4-22-2-18.

PROVISIONAL RULES

(a) To adopt a rule using the provisional rulemaking procedures, an agency must seek the approval of the Governor. The Governor's Approval letter must be submitted to the publisher with the proposed provisional rule, a statement justifying the need for provisional rulemaking, and, if applicable, any materials incorporated by reference.

(b) An agency may not adopt the provisional rule until receiving confirmation from the publisher of distribution of the proposed provisional rule and supporting documents to the Legislative Council.

NOTE: See IC 4-22-2-37.1 for additional delays related to the adoption of a provisional rule.

(c) A Provisional Rule contains the following components:

- (1) A DIGEST that includes a narrative paragraph.
- (2) Text of the Provisional Rule.

NOTE: Chapter 3 contains information on drafting noncode provisional and interim rules.

INTERIM RULES

(a) To adopt a rule using the interim rulemaking procedures, an agency must seek the approval of the Governor. The Governor's Approval letter must be submitted to the publisher with the Notice of Public Comment Period for Interim Rule, and, if applicable, any materials incorporated by reference.

(b) A Notice of Public Comment Period for Interim Rule contains the following components:

- (1) A narrative paragraph explaining the purpose of the notice and a description of the major provisions of the rule.
- (2) A list of IAC citations affected by the rule.

CITATIONS AFFECTED: 329 IAC 10-3-1; 329 IAC 10-3-4

(3) A list of statutory authority citations of the rule.

AUTHORITY: IC 4-22-2-37.2; IC 4-36-3-3; IC 7.1-2-3-6; IC 7.1-2-3-7

(4) Overview of the intent and scope of the rule, where the text:

(A) is clear, concise, and easy to interpret;

(B) includes a detailed statement of the issue to be addressed in the proposed rule, including the background and purpose of the rule; and

(C) includes the parties to be affected by the rule.

(5) A statement justifying any requirement or cost that is imposed on a regulated entity under the interim rule and not expressly required by the statute authorizing the agency to adopt rules or any other state or federal law. The statement must include a reference to data, studies, or analyses relied upon by the agency in determining whether the imposition of the requirement or cost is necessary.

EXAMPLE:

Statement Justifying Requirement or Cost

Because DORAs may be established only by municipalities, it is crucial to give local jurisdictions adequate control over who may operate within the boundaries of an outdoor refreshment area. For this reason, all designated retail permittees, temporary vendors, supplemental caterers, and craft manufacturers wishing to operate within a DORA must obtain approval from the municipality in which a DORA is located prior to submitting an application to the commission for approval.

(6) A date that is thirty (30) days after the notice is published when the public comment period will conclude.

(7) Information concerning where, when, and how a person may do the following:

(A) Inspect and copy the data, studies, or analyses referenced within the statement justifying any requirement or cost that is imposed on a regulated entity under the interim rule.

(B) Inspect materials incorporated by reference into the proposed rule, if applicable.

EXAMPLE: Data, studies, or analyses referenced in the statement justifying any requirement or cost, the rule, and materials incorporated by reference (if applicable) are on file at the Indiana Alcohol and Tobacco Commission, 302 West Washington Street, Room E114, Indianapolis, Indiana and are available for public inspection. Copies of the rule and the data, studies, or analyses referenced in the statement justifying any requirement or cost are available at the office of the Indiana Alcohol and Tobacco Commission.

(8) The proposed interim rule text.

- (c) An Interim Final Rule contains the following components:
- (1) A DIGEST that includes a narrative paragraph and list of IAC citations affected by the rulemaking.
 - (2) A history of the documents submitted during the rulemaking.
 - (3) A summary of the comments received by the agency during the comment period and a summary of the response of the agency to the comments.
 - (4) Text of the adopted interim rule.

PUBLICATION OF OTHER DOCUMENTS

IC 4-22-7-7 requires an agency to post a statement of the agency on the Register that:

- (1) interprets, supplements, or implements a statute or rule that:
 - (A) has not been adopted in compliance with IC 4-22-2;
 - (B) is not intended by its issuing agency to have the effect of law; and
 - (C) may be used in conducting the agency's external affairs; or
- (2) specifies a policy that an agency relies upon to:
 - (A) enforce a statute or rule;
 - (B) conduct an audit or investigation to determine compliance with a statute or rule; or
 - (C) impose a sanction for violation of a statute or rule.

This requirement includes publication of information bulletins, revenue rulings, and other guidelines of an agency.

NOTE: The statements are posted on the Register as Other Notices or Nonrule Policy Documents. However, if a statement is in the form of a manual, book, pamphlet, or reference publication, only the title of the manual, book, pamphlet, or reference publication is required to be published.

IC 4-22-2-19; IC 4-22-2-25 NOTICE CONCERNING DELAY IN RULEMAKING

(a) 60 Day Requirement

Under IC 4-22-2-19(b), an agency shall begin a rulemaking process authorized by statute within sixty (60) days after the effective date of the statute that authorizes the rule. If an agency cannot comply with this requirement, the agency shall provide an electronic notice to the publisher stating the reasons for the agency's noncompliance.

(b) One Year Requirement

An agency has one (1) year from the date of publication of the Notice of First Public Comment Period to obtain approval or deemed approval from the Governor for the rule. If an agency determines that a rule will not be approved within this time frame, before the two

hundred fiftieth day following publication of the Notice of First Public Comment Period, the agency shall notify the publisher by electronic means of the:

- (1) reasons why the rule was not adopted and the expected date the rule will be completed; and
 - (2) expected date the rule will be approved or deemed approved by the Governor.
-

CHAPTER 5. PUBLISHING PROCEDURES; COMPONENTS OF A RULE DOCUMENT

PUBLISHING PROCEDURES

(a) A document submitted for publication must be formatted for Microsoft Word or another format acceptable to the publisher.

(b) An agency may obtain from the publisher an electronic version of the agency's title of the IAC to provide an electronic version of sections to be amended by the agency. If sections of proposed rules published in the IR are to be amended, the agency may request a copy of the electronic version of the sections from the publisher. The agency may then:

- (1) make changes to the electronic version of the text using stricken and bold text; and
- (2) submit the electronic amendments to the publisher.

(c) Artwork and tables may be modified or reformatted by the publisher when preparing a document for publication.

COMPONENTS OF A RULE DOCUMENT

(a) A rule document submitted for publication must contain the following information:

- (1) The IAC title number and the name of the agency.
- (2) The LSA document number, if one has been assigned.
- (3) A narrative paragraph.
- (4) A list of IAC citations affected, if applicable.
- (5) A list of statutory authority cites.
- (6) The rule text.

NOTE: See the User's Guide for components specific to each document type.

(b) ***IAC title number and agency name***

The IAC title number and agency name consist of the following:

- (1) The IAC title number in the general form, "TITLE _____".
- (2) The official name of the agency that is given by the general assembly.

EXAMPLE: TITLE 240 STATE POLICE DEPARTMENT

(c) ***LSA document number***

The publisher assigns an LSA document number to each Notice of First Public Comment Period, Legislative Notice for Rule Readoption, Provisional Rule, and Notice of Public Comment Period for Interim Rule at the time the document is submitted to the publisher.

(d) The LSA document number must be included in any subsequent action after it has been assigned to the Notice of First Public Comment Period, Legislative Notice of Rule Readoption, or Notice of Public Comment Period for Interim Rule, including the following:

- (1) Notice of Second Public Comment Period.
- (2) Change in Notice of Public Hearing.
- (3) Notice of Recall.
- (4) Notice of Withdrawal.
- (5) Final Rule, Interim Final Rule, or Readopted Final Rule.
- (6) Agency Correction correcting a Final Rule.
- (7) Notice of Public Comment Period for Rule Readoption.

(e) ***Narrative paragraph***

A narrative paragraph describes each major addition, amendment, or repeal in a rule. The narrative paragraph describes the effect of the addition of or amendment to a rule. Each sentence must begin with "adds", "amends", "repeals", or "makes" and end with a brief description of the change made or the subject matter affected. Repealer statements need to list only the cite or cites being repealed. Sentences in the narrative paragraph are organized in the following order:

- (1) A description of the following:
 - (A) Codified additions.
 - (B) Codified amendments.
 - (C) Repealers.
- (2) The effective date or dates.

EXAMPLE: Amends 515 IAC 8-1-1 to add a definition to reflect that the responsibility for teacher licensing has been transferred to the Department of Education. Adds 515 IAC 8-1-21 concerning exceptional needs. Repeals 515 IAC 8-2-9. Effective 30 days after filing with the publisher.

(f) Citations to be amended or added must be arranged in consecutive order.

(g) Incidental, numerous, and scattered nonsubstantive style changes may be summarized by using the general form:

"Makes numerous technical changes."

(h) Incidental, numerous, and scattered substantive changes may be summarized in a sentence in the general form:

"Makes numerous other changes in the rules concerning ____."

(i) If the SECTIONs of a document take effect on different dates, the effective date portion of the narrative paragraph must be prepared using the general form:

"Partially effective ____ and partially effective ____."

(j) The effective date portion of the narrative paragraph is followed by a listing of each IAC section that is added, amended, or repealed. However, if an entire IAC rule, IAC article, or IAC title is added, the entire rule, article, or title is cited. Citations are arranged in consecutive order.

SECTION ORDER

The SECTIONS in a document are arranged in the following order:

- (1) SECTIONS containing added or amended codified sections arranged in order of consecutive IAC citation.
- (2) SECTIONS containing repealers.
- (3) SECTIONS containing effective date provisions.
- (4) SECTIONS containing expiration provisions.
- (5) SECTIONS containing noncode provisions.

SECTION NUMBERING

(a) The SECTIONS in a document are arranged in consecutive order, beginning with "SECTION 1."

(b) If a SECTION:

- (1) appears in a proposed rule and is either rearranged or omitted in a Final Rule; or
- (2) does not appear in a proposed rule and is inserted into a Final Rule;

the SECTIONS in the Final Rule must be renumbered in consecutive order, beginning with "SECTION 1."

CITATION ORDER

SECTIONS that add or amend IAC sections are arranged in consecutive IAC citation order.

LEAD-IN LINE; ORGANIZATION INTO SECTIONS

(a) A proposed rule or Final Rule is organized into SECTIONS. Each IAC section or noncode SECTION that is added or amended is arranged in consecutive order as a separate SECTION of the document.

(b) If a new IAC title, article, or rule is being added, the entire title, article, or rule is arranged in one (1) SECTION. To add a new IAC title, article, rule, or section, the following examples are used for the lead-in line:

(1) To add a new title:

SECTION 1. 70 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 70 _____

ARTICLE 1. _____

Rule 1. _____
70 IAC 1-1-1 _____

(2) To add a new article:

SECTION 1. 70 IAC 2 IS ADDED TO READ AS FOLLOWS:

ARTICLE 2. _____

Rule 1. _____

70 IAC 2-1-1 _____

(3) To add a new rule:

SECTION 1. 70 IAC 2-1 IS ADDED TO READ AS FOLLOWS:

Rule 1. _____

70 IAC 2-1-1 _____

(4) To add a new section:

SECTION 1. 70 IAC 2-1-5 IS ADDED TO READ AS FOLLOWS:

70 IAC 2-1-5 _____

(c) The following are examples of when additional lead-in line language is necessary:

(1) To add a new section to a rule that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 1-1, AS ADDED AT [document identification number (DIN):], SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:".

NOTE: See page 38 for an example of DIN.

(2) To add a new rule to an article that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 5, AS ADDED AT [DIN:], SECTION 1, IS AMENDED BY ADDING A NEW RULE TO READ AS FOLLOWS:".

(3) To add a new article to a title that has not yet been posted in the IAC:

"SECTION 1. 470 IAC, AS ADDED AT [DIN:], SECTION 1, IS AMENDED BY ADDING A NEW ARTICLE TO READ AS FOLLOWS:".

(4) To amend a section that has been added in a previous Final Rule that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 1-1-45, AS ADDED AT [DIN:], SECTION 1, IS AMENDED TO READ AS FOLLOWS:".

(5) To amend a section that has been amended in a previous Final Rule that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 1-1-23, AS AMENDED AT [DIN:], SECTION 10, IS AMENDED TO READ AS FOLLOWS:".

(6) To amend a section that has been proposed to be added or amended in a previous document that has not yet become final:

"SECTION 1. 470 IAC 1-1-23, AS AMENDED AT [DIN:], SECTION 10, IS AMENDED TO READ AS FOLLOWS:".

REPEALERS

(a) A SECTION may repeal any of the following:

- (1) A section.
- (2) A rule.
- (3) An article.
- (4) A title.
- (5) A noncode SECTION.
- (6) A provisional or interim rule document.

(b) SECTIONs containing repealers are placed after codified provisions and before noncode provisions. All repealers that take effect on the same date are arranged in consecutive order in a single SECTION.

EFFECTIVE DATE SECTIONS

(a) If a document takes effect thirty (30) days after filing with the publisher, no effective date SECTION is necessary.

(b) If a document or parts of the document take effect later than thirty (30) days after filing with the publisher, the effective date provisions are arranged in a SECTION, or SECTIONs if there are different effective dates for different SECTIONs of the document, at the end of the rule document. Each effective date is listed once.

EXAMPLE: SECTION 5. SECTIONs 1 through 3 of this document take effect January 1, 2007.

EXAMPLE: SECTION 6. SECTION 4 of this document takes effect July 1, 2007.

NOTE: Under IC 4-22-2-36, no rule may become effective before filing with the publisher.

REFERENCE LINES

(a) Each IAC section that is added or amended by a document contains the following reference lines:

- (1) A section heading.
- (2) An authority line.
- (3) An affected line.
- (4) An IAC section number.
- (5) A history line.

(b) A SECTION that:
(1) repeals codified text; or
(2) adds or amends noncode text;
is not annotated with reference lines.

EXAMPLE:

Section heading: **312 IAC 1-1-3 "Animal" defined**

Authority line: **Authority: IC 14-10-2-4**

Affected line: **Affected: IC 14; IC 25**

IAC section number: Sec. 3. "Animal" includes all:

- (1) mammals;
- (2) birds; and
- (3) reptiles.

History line: *(Natural Resources Commission; 312 IAC 1-1-3; filed Dec 1, 1995, 10:00 a.m.: 19 IR 656; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895)*

NOTE: See page 14 "CHANGES TO REFERENCE LINES" for information on amending reference lines.

(c) Authority line

The authority line must give the citation of each Indiana statute (enabling statute) that expressly delegates rulemaking power to the agency to issue a rule on the subject matter of the accompanying rule. If an agency has multiple sources of rulemaking power, the citation for each source must be included.

(d) If the general assembly has not expressly delegated authority to issue a rule, the authority line must give the citation of each statute that grants rulemaking power to the agency by implication.

(e) Affected line

The affected line must give the citation of each Indiana statute that:

- (1) is cited in the rule text;
- (2) directly relates to the subject matter; or
- (3) is a savings clause or other provision that affects the validity;

of the accompanying rule. Citations affected may be within the enabling statute of the agency issuing the rule or in another statute.

(f) An authority citation may not be repeated in the affected line and a citation that is included in the affected line may not be repeated in the authority line. However, if the only citations affected are also authority citations, the same citations may be cited in both the authority line and the affected line.

NOTE: An authority or affected line must give the citation for each Indiana Code section and noncode SECTION. However, if more than two (2):

- (1) sections in an Indiana Code chapter are included, the citation for the chapter is used; or
- (2) chapters in an Indiana Code article are included, the citation for the article is used.

(g) ***History line***

Each section of the IAC has an italicized history line that:

- (1) follows the last line of text of an IAC section; and
- (2) is part of the section.

When an agency submits a rule document to the publisher, the rule document must include a history line for each section amended or added.

(h) The components of the history line are as follows:

- (1) The official name of the agency.
- (2) The citation assigned to the text on the date the agency originally added the text.

This citation may be the:

- (A) IAC citation; or
 - (B) unofficial agency citation if the agency adopted the text before the IAC was published.
- (3) Chronologically arranged references to the following:
- (A) The filing date and time.
 - (B) The publication citation of each document that:
 - (i) added;
 - (ii) amended; or
 - (iii) readopted;the substance of the IAC section.
 - (C) The effective date, if the effective date is later than thirty (30) days after filing with the publisher.

(i) If the last line of text of a section is part of special text, such as:

- (1) a vertical list;
- (2) a mathematical or scientific expression;
- (3) an exhibit;
- (4) a footnote;
- (5) an illustration; or
- (6) a table;

the history line begins at the left margin of the first line following the special text.

CHAPTER 6. STYLE RECOMMENDATIONS

CITATIONS

(a) *Indiana Code*

The IC numbering system, like the IAC numbering system, uses numerals separated by hyphens.

EXAMPLE: IC 4 refers to Title 4
IC 4-3 refers to Title 4, Article 3
IC 4-3-2 refers to Title 4, Article 3, Chapter 2
IC 4-3-2-1 refers to Title 4, Article 3, Chapter 2, Section 1

The letters "IC" must always precede a citation to the Indiana Code.

(b) *Noncode Indiana statutes*

(1) A noncode Indiana statute is cited with the Public Law number for the Act, beginning with acts enacted during the 1982 special session.

EXAMPLE: P.L. 106-1996, SECTION 10

(2) To indicate a special session of the Indiana General Assembly, the designation "(ss)" is used after the year.

EXAMPLE: P.L. 3-1996(ss), SECTION 5

(c) *Pre-IAC rules*

A rule that was originally published as a Final Rule on or before May 8, 1978, in the *Amendments and Additions to Rules and Regulations* published by the Secretary of State is cited to the year and the printed page where the subject matter of the rule begins.

EXAMPLE: Rules and Regs. 1970, p. 100

(d) *Citing in the Indiana Register*

(1) Register documents published before July 2, 2006, use a citation form containing the designation "IR" following the volume number of the publication. The page number of the publication follows the IR designation.

EXAMPLE: 19 IR 895 refers to Volume 19, Page 895.

(2) Register documents published after July 1, 2006, use a citation form containing the document identification number (DIN). The components of a typical DIN are as follows:

EXAMPLE DIN: 20230726-IR-317230346FRA

2023	=	Year of posting on the Register
07	=	Month of posting on the Register
26	=	Day of posting on the Register
IR	=	Indiana Register
317	=	Entity identifier (either IAC title number or a 3-letter designation)
230346	=	A six-digit LSA document number, the first two (2) digits referencing the year the number was assigned followed by four (4) digits that are assigned sequentially as documents are submitted for publishing throughout that calendar year.
FR	=	Type of document (Final Rule in the above example)
A	=	Wild card

(e) *Noncode Indiana rules*

(1) The citation form for a noncode rule is as follows:

(A) The LSA document number for the rule.

(B) The SECTION number for the document.

(C) Either of the following:

(i) For documents published before July 2, 2006, the IR volume number, page number, and year of publication for the first page where the cited matter is printed.

EXAMPLE: LSA Document #96-40(E), SECTION 1, 19 IR 12 (1996)

(ii) For documents published after July 1, 2006, the DIN.

EXAMPLE: LSA Document #07-29(E), SECTION 1, 20070718-IR-065070029ERA

(2) If a noncode rule has been amended, it is cited to the original rule and the amendment.

(f) *United States Code*

(1) To cite to a federal statute, the United States Code (U.S.C.) reference is used.

EXAMPLE: 16 U.S.C. 201 refers to Title 16, Section 201 of the United States Code
33 U.S.C. 1251 as effective [insert date of U.S.C. effectiveness]
16 U.S.C. 202, in effect on [insert date of Indiana rule adoption]

(2) Federal Public Law numbers and references to the Statutes at Large are converted to U.S.C. references. If there is no U.S.C. citation, the Public Law designation with the designation from the Statutes at Large is used.

EXAMPLE: P.L.85-864 (64 Stat. 514)

(3) The edition in which a federal statute is printed is used to cite the statute.

(g) *Code of Federal Regulations*

(1) To cite to a federal regulation, the Code of Federal Regulations (CFR) reference is used.

EXAMPLE: 24 CFR 201 refers to Title 24, Section 201 of the Code of Federal Regulations
40 CFR 51, Subpart T
40 CFR 61*, [* = to illustrate a footnote]

(2) The edition in which a federal rule is printed is used to cite to the rule. If there is no CFR citation, the Federal Register (FR) designation is used.

EXAMPLE: 58 FR 27196, July 1, 1994
58 FR 528 through 58 FR 535, July 3, 1994

(3) Additional federal reference examples are as follows:

- (A) 45 U.S.C. 1251, as effective [date of U.S.C. effectiveness].
- (B) 16 U.S.C. 202, in effect on [date of Indiana rule adoption].
- (C) 42 U.S.C.A. 604.
- (D) Section 7704 of the Internal Revenue Code.
- (E) U.S. Department of the Treasury.
- (F) United States District Court.

CONSECUTIVE SECTIONS

(a) To give the citation for two (2) consecutive:

- (1) IC sections that include less than an entire IC title, IC article, or IC chapter; or
 - (2) IAC sections that include less than an entire IAC title, IAC article, or IAC rule;
- the first and second provision in the series are separated with "and".

EXAMPLE: IC 4-22-2-14 and IC 4-22-2-15
310 IAC 6-1-3 and 310 IAC 6-1-4

(b) To give the citation for three (3) or more consecutive:

- (1) IC sections that include less than an entire IC title, IC article, or IC chapter; or

(2) IAC sections that include less than an entire IAC title, IAC article, or IAC rule; the first and the last provision in the series are separated with "through".

EXAMPLE: IC 4-22-2-14 through IC 4-22-2-44
310 IAC 6-1-3 through 310 IAC 6-1-13

NOTE: When citing to consecutive sections, decimal sections included in the reference must be intended to be included in the citation.

INTERNAL REFERENCES

(a) If one (1) IAC provision makes reference to another IAC provision, the full IAC is used, except in the following examples:

- (1) To cite to the title in which the reference occurs, "this title".
- (2) To cite to the article in which the reference occurs, "this article".
- (3) To cite to the rule in which the reference occurs, "this rule".
- (4) To cite to the section in which the reference occurs, "this section".
- (5) To cite to the subsection, subdivision, clause, item, or subitem in which the reference occurs, "this subsection", "this subdivision", "this clause", "this item", or "this subitem".
- (6) To cite to another section or sections in the same rule, "section 5 of this rule" or "sections 9 through 11 of this rule".
- (7) To cite to a subsection in the same rule but not in the same section, "section 5(b) of this rule".
- (8) To cite to a specific subsection in the same section, "subsection (a)".
- (9) To cite to a specific subdivision in the same subsection, "subdivision (1)".
- (10) To cite to a specific clause in the same subdivision, "clause (A)".
- (11) To cite to a specific item in the same clause, "item (ii)".
- (12) To cite to a specific subitem in the same item, "subitem (AA)".

(b) Unless the context requires reference to a specific subsection or subdivision, the section is referred to as a whole. References to subparts below the subdivision level should be avoided.

EFFECTIVE DATES WITHIN RULE TEXT

An agency may insert the effective date into the text of a rule document if the rule text to be added or amended will take effect on a date later than the effective date for the SECTION in the rule document that adds or amends the text.

EXAMPLE:

(a) Beginning January 1, 2001, an applicant must submit an application on a form prescribed by the department of health.

(b) After June 30, 2007, an applicant must complete twelve (12) hours of continuing education each year the applicant remains licensed.

EXPRESSION OF NUMBERS

(a) Numbers used in text are expressed in words followed by figures in parentheses.

EXAMPLE: twenty-four (24)
one hundred ten (110)
eight hundred ninety-eight (898)
one thousand six hundred fifty (1,650)
eighty-four thousand (84,000)

(b) The word "and" is used between the part of a written number that represents a whole number and a decimal or fractional number, but is not used between whole numbers.

INCORRECT: one hundred and ten (110)

CORRECT: one hundred ten (110)

(c) Compound numbers between 21 and 99 are always hyphenated.

INCORRECT: twenty six (26)

CORRECT: twenty-six (26)

(d) A comma is used to separate hundreds and thousands in a numeral.

INCORRECT: (1000)

CORRECT: (1,000)

(e) **Exceptions**

(1) Numbers are expressed in figures for the following:

- (A) Date.
- (B) Time.
- (C) Ratios.
- (D) Grade point averages.
- (E) pH values.
- (F) Type sizes.
- (G) School grade levels.

- (H) Gauge and shot sizes.
- (I) Voltage.
- (J) Any other number if length would prohibit expressing it in both words and figures, primarily in tables.

EXAMPLE: 1:7
3.5 grade point average
1.5pH
12-point type
grades 9 through 12
1-volt battery
20 gauge shotgun
shot of size 4
.44 caliber
38 special ammunition

(2) Other special number treatments are as follows:

- (A) One foot in seven feet (1:7).
- (B) Two inches in twelve inches (2:12).

(f) In a narrative paragraph:

- (1) whole numbers under 10 are spelled out; and
- (2) Arabic numerals are used for 10 and above.

(g) *Fractions*

(1) Percentages are preferred to fractions whenever practicable.

INCORRECT: one-half (1/2)
three-fourths (3/4)

CORRECT: fifty percent (50%)
seventy-five percent (75%)

(2) Compound fractions are expressed as follows:

EXAMPLE: three and one-half (3 1/2)
four and three-eighths (4 3/8)

(3) Numerators and denominators are connected with a hyphen. If either the numerator or denominator is hyphenated, a hyphen is not used between them.

EXAMPLE: one-hundredth (0.01)
five-hundredths (0.05)
twenty-six hundredths (0.26)
one-thousandth (0.001)
one hundred fifty ten-thousandths (0.0150)
five and forty-hundredths (5.40)
three sixty-fourths (3/64)

(h) **Percentages**

Decimals are preferred whenever practicable.

EXAMPLE: one-tenth of one percent (0.1%)
sixty-two and one-half percent (62.5%)

(i) **Ordinals**

Ordinals are expressed in words only.

INCORRECT: 1st
22nd

CORRECT: first
twenty-second

(j) **Money**

(1) Monetary amounts are expressed as written words followed by a dollar sign with figures in parentheses. Dollar amounts that are whole do not have decimal points and zeroes.

EXAMPLE: one dollar (\$1)
ninety-seven dollars (\$97)
two hundred dollars (\$200)
three thousand five hundred dollars (\$3,500)

(2) When using dollars and cents, the word "and" and a decimal point are used to separate dollars from cents.

EXAMPLE: eighty-five cents (\$0.85)
five hundred twenty-five dollars and fifty cents (\$525.50)

(k) **Dates**

(1) When a date includes the month, day, and year, the year is set off by a comma.

EXAMPLE: April 14, 2010, at 2 p.m.

(2) When the date includes only the month and year, a comma is not used.

EXAMPLE: June 1984

(l) ***Time***

(1) Time is expressed in figures.

EXAMPLE: 6 a.m.
4:30 p.m.
noon (NOT 12:00 noon)

(2) The use of terms such as "local time" and "prevailing local time" is not necessary.

(3) It is not necessary to use "midnight" as the expiration time for a term or license since these will automatically expire at midnight unless some other time is specified.

(m) ***Temperature***

The degree symbol is not used when a temperature is expressed in text. Fahrenheit or Celsius measures are identified by spelling out these terms.

EXAMPLE: one hundred sixty (160) degrees Fahrenheit
ninety (90) degrees Celsius

(n) ***Use of "one"***

(1) When "one" is used as a pronoun, it is not followed by a numeral in parentheses.

EXAMPLE: The chairperson was the only one to attend the meeting.

(2) However, when "one" is used as a number, it is followed by a numeral in parentheses.

EXAMPLE: The precinct shall nominate one (1) delegate.

TABULATION STYLE; DESIGNATED BLOCKS OF TEXT

(a) There are two (2) basic styles of tabulation, listing style and sentence style. No matter which type is used, the introductory language preceding the tabulated material must apply to all the elements in the tabulation since the elements are included as parts of the whole thought. Beginning a new sentence after a tabulation should be avoided. If the sentence is not part of the tabulated series, it is better practice to draft it as a separate subsection or section.

(b) Tabulation is useful for clarification when there is more than one (1) element in a sentence that would otherwise be set off by commas.

(c) Often it is possible to use either style of tabulation. In this instance, a listing is preferred because, if it is later necessary to add an element, it is not necessary to do the following:

- (1) Change punctuation.
- (2) Strike and add a conjunction.

(d) Listing style is written so that each element:

- (1) is listed after the introductory language;
- (2) begins with a capital letter; and
- (3) ends with a period.

When a listing is used, the introductory language must include the words "as follows" or "the following".

EXAMPLE: An employer may provide group insurance programs for its employees by purchasing policies of group insurance or by establishing self-insurance programs, or by doing both.

Is clearer if written as follows:

An employer may provide group insurance programs for its employees through one (1) or both of the following methods:

- (1) Purchasing policies of group insurance.
- (2) Establishing self-insurance programs.

NOTE: Each listed element may have subelements, but each element must still end with a period.

EXAMPLE: The application must include the applicant's name, the name of the sponsoring agency, and the name of the city in which the event is to take place.

Is clearer if written as follows:

The application must include the following information:

- (1) The applicant's name.
- (2) The name of the following:
 - (A) The sponsoring agency.
 - (B) The city in which the event is to take place.

(e) The numbering or lettering of a listing of elements when using listing style is not required when:

- (1) the elements may be listed in order, such as:
 - (A) alphabetical order;
 - (B) numerical order; or
 - (C) IAC citation order;

- (2) it is likely that the listing will be frequently modified; and
- (3) there is no need to cite to a particular element within the listing.

EXAMPLE: Sec. 2. The following drugs are controlled substances:
Acetylmethadol
Allylprodine
Alphacetylmethadol.

(f) Sentence style is best envisioned by thinking of a sentence with a series of elements, separated by commas, in which:

- (1) each element:
 - (A) is given a line of its own; and
 - (B) has some type of designation before it; and
- (2) the commas are replaced with semicolons.

EXAMPLE: To be entitled to vote, a person must be a resident of Indiana, at least eighteen (18) years of age, and registered with the county election board.

When this sentence is tabulated, the reader can more quickly identify the three (3) qualifying elements as follows:

To be entitled to vote, a person must be:
(1) a resident of Indiana;
(2) at least eighteen (18) years of age; and
(3) registered with the county election board.

This style of tabulation may be expanded with each of the elements having subelements.

NOTE: The conjunction always follows the next to last element in the tabulation, and the only permissible conjunctions are "and" and "or". The conjunction, however, applies to each element in the tabulation and not just to the last two (2) elements.

ABBREVIATIONS

(a) All words are spelled out unless text is used in a quote or if the text is a preprinted form or notice.

(b) The term "et seq." may be used with federal references, but not with state references.

ACRONYMS

(a) If not defined, in each IAC section, the initial reference to a term or phrase with an acronym is spelled out in lowercase letters followed by the acronym in capital letters and parentheses. The acronym is then used for following references to the term or phrase in that IAC section.

EXAMPLE: First use of term: department of natural resources (DNR)
Subsequent uses: DNR

(b) If defined, the acronym may be used in any text covered by the definition. Only the acronym is then used outside the definition.

(c) When defining a term and its corresponding acronym, the term and its acronym are placed in individual sets of quotation marks in the section heading.

INCORRECT: 410 IAC 20.3-1-16 "Intermediate care facility (ICF)" defined

CORRECT: 410 IAC 20.3-1-16 "Intermediate care facility" or "ICF" defined

NOTE: Only the words in the section heading are shown unless the acronym is also being defined. If the acronym will be used throughout the article, the acronym is defined. If the acronym is included in the text before "means", the acronym is added to the section heading.

(d) Acronyms for:

- (1) job titles;
- (2) names of organizations;
- (3) centers;
- (4) buildings;
- (5) forms; and
- (6) tests;

are generally spelled without periods.

EXAMPLE: CEO (chief executive officer)
TOEFL (test of English as a foreign language)
GRE (Graduate Record Examination)

(e) Acronyms are pluralized without using an apostrophe. The pluralizing "s" is lowercase.

EXAMPLE: CEOs
DVDs

AND; OR

"And" usually stands for the conjunctive, connective, or additive. "Or" usually stands for the disjunctive or alternative. An ambiguity occurs where it is not clear whether the inclusive "or" (A or B, or both) or the exclusive "or" (A or B, but not both) is intended. It is also not always clear whether the several "and" (A and B, jointly or severally) or the joint "and" (A and B, jointly but not severally) is intended. To avoid ambiguity, the following is used as appropriate:

- (1) "A or B" where the exclusive is intended.
- (2) "A or B, or both" where the inclusive is intended or where jointly or severally is intended.
- (3) "A and B" where the conjunctive, connective, or additive is intended.

NOTE: The use of "and/or" is not acceptable.

APOSTROPHES

(a) The possessive case of a singular or plural noun not ending in "s" is formed by adding an apostrophe and "s".

EXAMPLE: attorney's fees
children's hospital
man's; woman's
worker's compensation

(b) Although the possessive case of a singular noun ending in "s" or with an "s" sound is formed by adding an apostrophe and "s", this should be avoided by redrafting the language.

INCORRECT: bus's tires

CORRECT: tires of the bus

(c) The possessive case of a plural noun ending in "s" or with an "s" sound is formed by adding an apostrophe.

EXAMPLE: public employees' retirement fund

(d) An apostrophe is not used after:

- (1) the names of countries and other organized bodies ending in "s"; or
- (2) words more descriptive than possessive.

EXAMPLE: United States
department of veterans affairs
prosecuting attorneys council

(e) In compound nouns, the " 's " or " s' " is added to the element nearest the object possessed.

EXAMPLE: attorney general's opinions
physical therapist assistant's diploma

BRACKETS

Brackets are reserved for the use of the publisher and are not used as punctuation.

BREVITY

- (a) If a word has the same meaning as a phrase, the word is used.
- (b) The shortest sentence should be used that conveys the intended meaning.

CAPITALIZATION

- (a) Capitalization should be used sparingly.
- (b) The following are capitalized:
 - (1) The first word in the following:
 - (A) A sentence.
 - (B) Tabulated items in the listing style (see example in page 44 "TABULATION STYLE; DESIGNATED BLOCKS OF TEXT").
 - (2) Geographic names.

EXAMPLE: Ohio River
Hoosier National Forest
Lake County (except, Lake and Porter counties)

- (3) Months and days of the week.
- (4) Names of streets, roads, parks, and buildings.

EXAMPLE: U.S. Route 50
Garfield Park
the White House

- (5) Names of nationalities and languages.

EXAMPLE: Spanish-speaking people
English language

(6) Political parties and religious denominations.

EXAMPLE: the Democratic party
the Republican party
the Methodist church (except, First Methodist Church)

(7) Official titles of organizations and institutions.

EXAMPLE: Associated Press
Indiana University
Indiana State Medical Association

(8) Federal and international entities. Acronyms as abbreviations are not used for these references.

EXAMPLE: United States Department of the Interior
United States House of Representatives
United States Senate
Federal Bureau of Investigation
World Bank
United Nations

Exception: U.S. EPA

(9) Titles of specific acts, federal laws, and other official documents.

EXAMPLE: Equal Rights Amendment
Internal Revenue Code
Social Security Act
the Constitution of the United States
the Constitution of the State of Indiana
Rules of Trial Procedure

(10) References to the IAC and the IC.

(11) Titles of honor and respect, when preceding the name.

EXAMPLE: Governor John Q. Public
State Senator Jane Q. Public
State Representative John Q. Public
U.S. Senator Jane Q. Public (except, senator of Indiana)
Queen Elizabeth (except, queen of England)

(12) Holidays, religious days, and historic events.

EXAMPLE: Fourth of July
Thanksgiving Day
Passover

(13) Titles of books, magazines, newspapers, and periodicals.

EXAMPLE: The Indianapolis Star
the Indiana Register

(14) "Class" when referring to a:

(A) criminal penalty; or

(B) type of infraction;

such as "Class B felony".

(15) The second word of hyphenated titles, such as "Pull-Tab Games".

(c) The following are not capitalized:

(1) Words such as "city", "county", or "state" when alone or with the word "of" preceding a specific name.

EXAMPLE: city of Indianapolis
second class city
the county (except, Lake County)
state of Indiana

(2) Directional parts of states and counties (except in surveyors' reports and similar documents).

EXAMPLE: northern Indiana
central Tippecanoe County
midwestern states

(3) General designations of buildings.

EXAMPLE: library in Fort Wayne (except, the Fort Wayne Library)
the county courthouse
the Indianapolis post offices

(4) The words "government" or "federal" (except when "federal" is part of the name of the agency or statute). However, "United States" is used instead of "federal" when referring to a specific entity that does not have "federal" in the name.

EXAMPLE: United States government
federal agencies (except, Federal Bureau of Investigation)
United States Department of Health and Human Services
United States Social Security Administration

(5) Names of legislative, judicial, and administrative bodies and government departments, unless the name refers to a federal body, department, etc.

EXAMPLE: Indiana senate
department of state revenue
Congress of the United States
Supreme Court of the United States

(6) Official titles of state, county, or municipal offices, agencies, commissions, committees, or funds.

EXAMPLE: clerk of the circuit court
board of county commissioners
public employees' retirement fund
commission on the aging and aged
department of health
Indiana state register of historic sites and structures

(7) Official titles when used without a proper name.

EXAMPLE: the governor
the commissioner
the speaker of the house

(8) References to laws on a particular subject.

EXAMPLE: motor vehicle laws
federal election laws
federal tax laws (except, Internal Revenue Code)

(9) Names of seasons of the year.

CAPITALIZATION STYLES FOR HEADINGS

(a) *Article headings*

All words in an article heading are uppercase, including prepositions or conjunctions under six (6) letters.

(b) ***Rule headings***

The first letter of each word in a rule heading is capitalized, except for:

- (1) prepositions under six (6) letters;
- (2) conjunctions under six (6) letters; or
- (3) the words "a", "an", or "the";

unless they are either the first or last word in the rule heading.

(c) ***Section headings***

Only the first word is capitalized in a section heading. Exceptions to this are when words or titles that are always capitalized or a proper name is included in the heading.

COLONS

(a) A colon is used to introduce a series.

EXAMPLE: SECTION 12. THE FOLLOWING ARE REPEALED: 500 IAC 17;
500 IAC 18.

(b) A colon is used to introduce a long quotation.

EXAMPLE: Include a certification in the following form: "Under the penalty of perjury, the undersigned has examined this request for removal from the exclusion list and to the best of my knowledge and belief it is true, complete, and correct."

COMMANDING; AUTHORIZING; FORBIDDING; NEGATING

(a) The following are used for clarification in text regarding the appropriate use of commanding, authorizing, forbidding, or negating terms:

- (1) To create a right, "is entitled to".
- (2) To create discretionary authority, "may".
- (3) To create a duty, "shall".
- (4) To create a condition precedent, "must".
- (5) To negate a right, "is not entitled to".
- (6) To negate discretionary authority, "may not".
- (7) To negate a duty or a mere condition precedent, "is not required to".
- (8) To create a duty not to act, "shall not".

(b) Avoid false imperatives. Avoid using hortatory qualifiers such as "will", "should", and "ought" in the text of a rule.

COMMAS

(a) If a sentence consists of two (2) independent clauses, each with a subject and a predicate, a comma is used before the conjunction.

EXAMPLE: The commission shall submit a report, and the governor shall review the report.

(b) If a sentence has a compound predicate, as shown in Example 1, a comma is unnecessary unless required for clarity. However, it would be better to tabulate the sentence as shown in Example 2.

EXAMPLE 1: The treasurer shall file the report before June 30 and shall submit copies of the report to each member of the commission.

EXAMPLE 2: The treasurer shall:
(1) file the report before June 30; and
(2) submit copies of the report to each member of the commission.

(c) A comma is used to set off a nonrestrictive adjective clause (or relative clause).

EXAMPLE: The director, who may not have other employment, is entitled to receive a salary.

(d) A comma is not used to set off a restrictive clause.

EXAMPLE: The registrar shall assign a student identification number to each student who enters Purdue University.

(e) A parenthetical phrase or clause is enclosed with two (2) commas.

EXAMPLE: The treasurer shall, before June 30 of each fiscal year, submit copies of the report to each member of the commission.

(f) Words, phrases, or clauses in a series are separated by commas, including a comma before the conjunction connecting the last two (2) members of a series.

EXAMPLE: The report shall be filed with the auditor of state, the treasurer of state, and the department of local government finance. The report must contain all debits, credits, and profits of the corporation.

(g) Adverbial phrases, introductory participial phrases, and introductory, long subordinate clauses should be set off by commas.

EXAMPLE: Because of the need for a more effective welfare program, the chairperson ordered an extensive study of the present program. Until further notice is given, the present rules remain in effect.

CONSISTENCY

(a) Consistency in the use of language is necessary throughout a rule. Use of:
(1) the same word or phrase to convey different meanings; or
(2) different language to convey the same meaning;
is to be avoided.

(b) Comparable provisions as well as sections containing similar material need to be consistent in their arrangement.

GENDER

To the extent possible, words importing gender are avoided.

HYPHENS

Many words that once were hyphenated are now written as one (1) word or as two (2) words without a hyphen, with the exception of compound numbers.

EXAMPLE: attorney general
bipartisan
cooperate
lieutenant governor
online
reelect
statewide
vice president

LIMITATIONS; EXCEPTIONS; CONDITIONS

(a) Limitations or exceptions to the coverage of a rule or conditions placed on its application are described in the first part of the rule. If they are numerous:
(1) notice of their existence is given in the first part of the rule; and
(2) they are stated separately later in the rule.

(b) If a provision is limited in its application or is subject to an exception or condition, it generally promotes clarity to begin the provision with a:
(1) statement of the limitation, exception, or condition; or
(2) notice of its existence.

Use of the term "notwithstanding" to express a limitation of a general provision of the same rule is not preferable.

(c) "If", "when", and "whenever" are expressions of limitation or condition. The following illustrate forms of condition:

(1) If the condition is limited by a single occurrence that may never occur, "if" is used to introduce the condition.

EXAMPLE: If the mayor resigns from office, the deputy mayor assumes the duties of the office.

(2) If the condition will occur more than once, the condition is introduced with "whenever".

EXAMPLE: Whenever the operator answers a call, the operator shall...

(3) If the condition is certain to occur, "when" is used.

EXAMPLE: When the statute takes effect, the governor shall...

(d) "Provided that", "provided however that", or similar proviso language is not preferable. "But" should be used instead of "except that".

INDICATIVE MOOD

The indicative mood is used to inflect a direct command or a strong request. The following examples show the correct use of the indicative mood.

INCORRECT USE: The report shall include ...
a person shall be entitled to ...

CORRECT USE: The report must include ...
a person is entitled to ...

USE OF SINGULAR; PLURAL

Use of the singular instead of the plural is preferred, since singular words apply to several persons or things as well as to one (1) person or thing.

PARENTHESES

(a) Use of parentheses is not preferable, except when they are more reliable than commas in setting off a phrase where there is possible uncertainty as to how the ideas that follow the phrase are linked to the ideas that precede it.

EXAMPLE: When it is necessary to order individuals to active duty (other than for training) without their consent, ...

(b) Parentheses may be used, if necessary, to make clear a reference to another provision by indicating the nature of the referenced provision.

EXAMPLE: 410 IAC 16-2 (Residential Care Facilities)

QUOTATION MARKS

Quotation marks are used to enclose defined words or phrases. Commas, periods, and question marks are placed outside the quotation marks unless the punctuation is included as part of the quoted material. Commas are also placed outside quotation marks when in the middle of a sentence.

EXAMPLE: As used in this section, "ad valorem tax" means...

EXAMPLE: "Revenue bonds", as used in this subsection, refers to bonds issued under IC 36-9-31-10.

REPETITIOUS LANGUAGE

When possible, repetitious language is avoided unless required for clarity.

SEMICOLONS

Generally, semicolons are used only in the sentence style of tabulation.

EXAMPLE: A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

- (1) advanced study;
- (2) work experience; or
- (3) teacher exchange programs.

SENTENCE STRUCTURE

Short, simple sentences should be used as much as possible. Excessive use of the following is not preferable:

- (1) Dependent clauses.
- (2) Parallel clauses.
- (3) Compound sentences.
- (4) Other complex sentence structures.

SUBJECT OF SENTENCE

Unless it is clear from the context, the subject of each sentence is the person or entity:

- (1) to whom a:
 - (A) power;
 - (B) right; or
 - (C) privilege is granted; or
- (2) upon whom:
 - (A) a duty;
 - (B) an obligation; or
 - (C) a prohibition;

is imposed.

SUCH; SAID

(a) The articles "a", "an", and "the" are used instead of the words "such" or "said". It is appropriate, however, to use "such" to express an example, as shown below:

EXAMPLE: The commission may take steps to provide compliance, such as ordering the applicant to submit a verified statement.

- (b) If "a", "an", or "the" can be used with the same result:
- (1) "any";
 - (2) "each";
 - (3) "every";
 - (4) "all"; or
 - (5) "some";

are not used.

TENSE

(a) The present tense is most often used in text. However, when it is necessary to express a time relationship, such as when there is a condition precedent to the operation of the law, the facts are stated that are:

- (1) concurrent with the operation of the law as present facts; and
- (2) precedent to its operation as past facts.

EXAMPLE: If a person has completed the training, the person may...

- (b) "Will" is used when the future tense is appropriate.

EXAMPLE: If the director determines that the computer system will cause problems, the director shall ...

VOICE

(a) The active voice is used whenever possible.

(b) In rare instances, the passive voice may be used, such as when the subject of the sentence is the focus of some action to be implicitly taken by another person that is not mentioned in the sentence.

INCORRECT USE: All the complaints shall be reviewed by the director.

CORRECT USE: The director shall review all the complaints.

WHICH; THAT

(a) "Which", set off by commas, is used to introduce a nonrestrictive clause. A nonrestrictive clause is a clause that is not needed to clarify the meaning of the word that it modifies.

EXAMPLE: The application, which need not be verified, must be signed by the applicant.

(b) "That" is used to introduce a restrictive clause modifying the nearest antecedent. A restrictive clause is a clause that is needed to make clear the meaning of the word that it modifies.

EXAMPLE: An application to renew a license that has been revoked must be signed by the applicant.

CHAPTER 7. ORGANIZATION AND ORDER OF A RULE DOCUMENT

INTRODUCTION

(a) The essentials of good rule drafting are the following:

- (1) Accuracy.
- (2) Brevity.
- (3) Clarity.
- (4) Simplicity.

The purpose and effect of a rule should be evident from its language.

(b) Choose words that are plain and commonly understood.

ORGANIZATION AND ORDER OF PROVISIONS IN A RULE DOCUMENT

The following is suggested as the order of provisions in a rule document that adds a new article or rule:

- (1) Applicability, including the following:
 - (A) Scope.
 - (B) Exceptions.
 - (C) Exclusions.
- (2) Definitions.
- (3) The creation of an entity.
- (4) Administrative and procedural provisions.
- (5) Substance. State requirements in order of:
 - (A) time;
 - (B) importance; or
 - (C) another logical sequence.
- (6) Prohibitions and penalties.

DEFINITIONS IN GENERAL

(a) Definitions are used only:

- (1) when a word is used in:
 - (A) the sense of one (1) of several dictionary meanings; or
 - (B) a technical manner;
- (2) to avoid repetition of a lengthy phrase; or
- (3) to limit or extend the meaning of a word for the provisions of the rule.

(b) The following should be avoided:

- (1) Writing substantive or applicability provisions into definitions.
- (2) Use of a word in a sense foreign to a dictionary meaning.
- (3) Developing and using an artificial concept.

(c) Quotation marks and the following styles are used when defining a term:

(1) "Means" is used to indicate that there is an exact equivalency between the defined term and the description.

EXAMPLE: Sec. 1. "Executive" means the mayor of a city.

(2) "Includes" is used to indicate items that are marginally included within a nonexhaustive definition.

EXAMPLE: Sec. 2. "License" includes permit.

(3) "Refers to" is used when adopting a shortened version of a term for use throughout a rule.

EXAMPLE: Sec. 3. "Population" refers to the population according to the most recent federal special or decennial census.

(4) "Has the meaning set forth in ___ IAC ___" is used to reference an existing definition in the IAC.

EXAMPLE: Sec. 5. "Products" has the meaning set forth in 500 IAC 6-1-3.

(5) "Has the meaning set forth in IC _-_-_" is used to reference an existing definition in the IC.

EXAMPLE: Sec. 5. "Products" has the meaning set forth in IC 1-2-3-4.

DEFINITIONS IN A NEW ARTICLE

(a) When adding a new article, the definitions for that article are all in one (1) rule with each definition in a separate section in alphabetical order. The first section in the definitions rule is an applicability section.

EXAMPLE: Sec. 1. The definitions in this rule apply throughout this article.

(b) Each definition section begins with the defined term.

EXAMPLE: Sec. 2. "Incorporated entity" means a...

DEFINITIONS IN A NEW RULE

(a) When adding a new rule, the definitions for that rule are at the beginning of the rule, and each definition is in a separate section in alphabetical order. The first section in the rule is an applicability section.

EXAMPLE: Sec. 1. The definitions in this rule apply throughout this rule.

(b) Each definition section begins with the defined term.

EXAMPLE: Sec. 2. "Incorporated entity" means a ...

ADDING DEFINITIONS TO EXISTING ARTICLES AND RULES

When it is necessary to add a new definition to an existing article or rule, the same style that is used currently in the article or rule is followed.

INCORPORATIONS BY REFERENCE

(a) In addition to fully and exactly identifying a matter incorporated by reference, the following information is included at least once:

(1) The publication date and edition, if more than one (1) edition has been published, of the incorporated matter.

(2) That the matter incorporated by reference does not include any later amendments or editions.

(3) Where copies of the matter incorporated by reference are available:

(A) at cost from the issuing agency; and

(B) from the entity originally issuing the matter.

(b) If a rule that incorporated matter by reference is amended, the rule may be amended without refiling the incorporated matter, unless the incorporated matter also has changed (e.g., a new edition, version, date, etc.).

NOTE: It is essential that incorporated material be fully and exactly described in a proposed rule. It must be identified with specificity (e.g., edition, version, year, etc.). Other than references to the Indiana Code or Indiana Administrative Code (see IC 4-22-9-5), a document incorporated by reference is "frozen in time" as it exists at the time of incorporation.

(c) Materials incorporated by reference must be submitted to the publisher in a searchable PDF format with the exception of the Code of Federal Regulations (CFR). A link to the CFR may be provided, but the "as in effect" date must be included.

EXAMPLE: 49 CFR 80 as in effect on August 7, 2023
(<https://www.ecfr.gov/on/2023-08-07/title-49/subtitle-A/part-80?toc=1>)

SEVERABILITY AND NONSEVERABILITY

An agency's intent to sever valid rules from invalid rules is usually presumed. (For an analogy to the statutory provision, see IC 1-1-1-8(b).)
