

Montgomery County Board of Commissioners

Ordinance 2023 -10

Ordinance Creating the Local Public Health Services Fund

Whereas, the Indiana Legislature has passed Senate Enrolled Act 4 (2023) and House Enrolled Act 1001 (2023) signed into law as P.L. 164-2023 to ensure every Hoosier has access to the core public health services that allow them to achieve their optimal health and well-being; and

Whereas, this new legislation provides new enhanced funding for local departments of health at the option of local county government; and

Whereas, on June 26, 2023, the Montgomery County Board of Commissioners by Resolution 2023- 5 resolved to opt into the funding program; and

Whereas, Public Law 164-2023 requires the County to establish a separate fund known as the “local public health services fund” to receive local board of health funding under this program; and

Therefore, it is ordained that a new section, §35.187, shall be added to Chapter 35 of the Montgomery County Code, and this new section shall read as follows:

§35.187 Local Public Health Services Fund

(A) Establishment of Fund. The Montgomery County Board of Commissioners hereby establishes the Local Public Health Services Fund to receive, use, and account for funds received from the State of Indiana by Montgomery County for the Montgomery County Health Department as administered by its Board of Health, as a participating member of the legislation.

(B) Use of Funds. The Montgomery County Board of Health may authorize the expenditure of funds from the Local Public Health Services Fund to provide any of the following services:

- (1) Core public health services.
- (2) Any statutorily required actions for a local health department.
- (3) Evidence based programs to prevent or reduce the prevalence of health issues or improve the health and behavioral health of Indiana residents as outlined in the plan described in IC 16-30-3-2.

Money in the fund may not be used for any purpose other than for services listed above.

- (1) At least sixty percent (60%) of the funds shall be spent on the following core public health services:
 - (a) Communicable disease prevention and control.
 - (b) Vital statistics.
 - (c) Tobacco prevention and cessation.
 - (d) Supporting student health as set forth in IC 16-18-2-79.5(14).
 - (e) Child fatality review.
 - (f) Suicide and overdose fatality review.
 - (g) Maternal and child health.
 - (h) Testing and counseling for HIV, hepatitis C, and other sexually transmitted infections, in accordance with IC 20-30-5-13.
 - (i) Tuberculosis control and case management.
 - (j) Emergency preparedness.
 - (k) Referrals to clinical care as set forth in IC 16-18-2-79.5(22).
 - (l) The prevention and reduction of chronic illnesses.
 - (m) Screening and case management for childhood lead exposure and poisoning.
 - (n) Health promotion and education for preventing trauma and injury.
 - (o) Access to childhood and adult immunizations.

- (2) Not more than forty percent (40%) of the funds may be spent on the following core public health services:
 - (a) Food protection.
 - (b) Pest and vector control and abatement.
 - (c) Inspection and testing of public and semipublic pools.
 - (d) Residential onsite sewage system permitting and inspections.
 - (e) Orders for the decontamination of property used to illegally manufacture a controlled substance.
 - (f) Sanitary inspections and surveys of public buildings.

(g) Sanitary operation of tattoo parlors and body piercing facilities.

(h) Sanitary operations of facilities where eyelash extensions are applied.

(3) Notwithstanding sections (1) and (2) the funds may be used in different percentages upon the request and receipt of a waiver approved by the Indiana State Department of Health as outlined in Indiana Code 16-20-1-12(d), as amended from time to time.

(4) No more than ten percent (10%) of the funds in the Local Public Health Services Fund that are received during or for a fiscal year may be used for capital expenditures including:

(a) the purchase, construction, or renovation of buildings or other structures;

(b) land acquisition; and

(c) the purchase of vehicles and other transportation equipment.

Funds used for capital expenditures from the Local Public Health Fund must be included on the annual financial report required by Indiana Code 16-46-10-2.2 or 2.3, as amended from time to time, and posted on the local health department's website.

(C) Non-Reverting Fund. This fund shall be non-reverting and remain in effect until modified or rescinded by the Montgomery County Board of Commissioners.

(D) Severability. If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated will remain in full force and effect.

(Ord. 2023-___, passed __/__/23)"

It is further ordained that this ordinance is effective upon adoption.

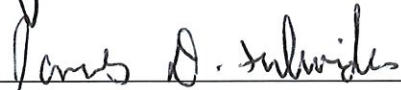
It is further ordained that any other provisions of the Montgomery County Code which are not specifically amended by this ordinance shall remain in full force and effect.

Ordained this 14 day of August, 2023

Montgomery County Board of Commissioners:



John Frey, President



James D. Fulwider, Vice President



Dan Guard, Member

Attest:



Jennifer Andel, Auditor
Mindy Byers