

MINUTES OF THE MEETING OF THE  
INDIANA DEPARTMENT OF HEALTH  
EXECUTIVE BOARD  
June 11, 2021

The in-person and virtual (Microsoft Teams) meeting of the Executive Board of the Indiana Department of Health (IDOH) was called to order at 10:35 am in the Robert O. Yoho Executive Board Room of the IDOH building by Brenda Goff, Chair. The following Board members were present for all or part of the meeting:

Naveed Chowhan, MD, FACP, MBA  
Brenda Goff, HFA (Chair)  
Robin Marks, DVM  
Holly Robinson, MD  
Patricia Spence, PE  
Stephen Tharp, MD (Vice Chair)  
Kristina M. Box, MD, FACOG, Secretary

Members not attending:

Blake Dye  
Martin Hanneman, DDS  
Joanne Martin, DrPH, RN, FAAN  
Suellyn Sorensen, PharmD, BCPS

The following staff members were present for all or part of the meeting:

Shane Hatchett, Chief of Staff  
Amy Kent, Director, Legislative and External Affairs  
Kelly MacKinnon, Director, Office of Legal Affairs  
Donna Sembroski, Office of Legal Affairs  
Victoria Kendall, Office of Legal Affairs  
Micha Burkert, Deputy Director, Office of Legislative Affairs

Call to Order

Brenda Goff, Chair, stated that a quorum was present and called the meeting to order at 10:35 am. She then asked if Board members had any known conflicts of interest to declare. Hearing none she proceeded with the meeting.

Minutes

Ms. Goff asked for discussion and/or corrections to the minutes of the May 12, 2021 Executive Board meeting. Hearing none, she entertained a motion for approval. On a motion made by Dr. Stephen Tharp, seconded by Dr. Holly Robinson and passed by majority roll call vote of virtual attendees, the Board approved the minutes as presented.

## **OFFICIAL BUSINESS OF THE STATE DEPARTMENT OF HEALTH**

### **Consumer Services and Health Care Regulation Commission**

#### **Emergency Adoption of Amendment of Emergency Rule to Clarify IC 16-44-2**

Shane Hatchett, Chief of Staff and Kelly MacKinnon, Director of Legal Affairs presented the amendment to clarify IC 16-44-2 for emergency adoption. The Indiana Department of Health regulates the sale of gasoline in Indiana. One of the ways gasoline is regulated is through the testing of gasoline volatility by using Reid Vapor Pressures (RVP) readings as set forth in IC 16-44-2-8. Indiana sets RVP pounds per square inch (PSI) limits based on the month of the year, with different PSI levels in summer months. RVP PSI are also regulated at the federal level. Indiana Code references federal tax code to define gasohol, but that definition is different than what is used by the EPA, which generally refers to E10 and E15 blends. In 2019, the federal government authorized the sale of E15 during summer months based on PSI limit changes, but it is not clear whether Indiana allows this sale because Indiana has not updated the gasohol definition since that federal action. This emergency rulemaking establishes a definition of gasohol to clarify that E15 can be sold in Indiana in summer months. This is an emergency adoption because June is one of the months at issue for sale of E15.

Ms. Goff asked for comments from the Board, staff and/or public for discussion purposes. On a motion made by Dr. Stephen Tharp, seconded by Dr. Naveed Chowhan and passed by majority roll call vote of virtual attendees, the Board approved clarification to IC 16-44-2 for emergency adoption.

#### **Adjournment**

Hearing no additional comments from the Board, staff and/or public, Ms. Goff adjourned the meeting at 10:45 am. The next meeting is scheduled for July 14, 2021.