

Information on Indiana's New Prescribed Burning Law (IC 14-23-6.6)

[Link to Indiana Code 14-23-6.6 Prescribed Burning](#)

On July 1st, 2025, Indiana's newly enacted law on prescribed burning took effect. This law does not affect landowners or current prescribed fire practitioners' ability to execute prescribed burns, but it does offer incentives in the form of liability protection and other benefits for individuals who follow the **standards of practice (see below)** included in the law.

The law is designed to benefit landowners and increase the use of prescribed fire as a land management tool for wildlife habitat, forests, grasslands, and other plant communities. An intended outcome of this law is to increase the availability of service providers (prescribed burn practitioners) available to execute prescribed burns.

Indiana's law on prescribed burning does three things. This law (1) sets standards of practice for executing prescribed burns, (2) authorizes the Indiana Department of Natural Resources (DNR) to administer the prescribed burn certification training program for citizens interested in getting trained as Certified Prescribed Burn Managers (CPBM), and (3) defines liability protections and other benefits for landowners or prescribed fire practitioners who follow the provisions of the statute and complete the training to become a CPBM.

Standards of Practice – [Section 6](#) of the law defines the requirements landowners and prescribed fire practitioners must follow to take advantage of the liability protections and other incentives included in the law. Most of these requirements follow existing best practices everyone executing prescribed burns should already implement. These include:

- (1) obtaining the written consent of the landowner if someone other than the landowner is executing the prescribed burn;
- (2) having a prescribed burn plan prepared by a CPBM in a format approved by the Indiana DNR Division of Forestry;
- (3) notifying the nearest local fire department and county dispatcher or 911 dispatcher at least twenty-four (24) hours before the prescribed burn begins;
- (4) have at least one (1) CPBM on site while the prescribed burn is being executed; and
- (5) have a copy of the completed prescribed burn plan on site while the prescribed burn is taking place.

While the law does not specifically require adherence to the prescribed burn plan, it is an implicit standard. It is recommended that all prescribed burn practitioners adhere to the approved burn plans prepared and approved by CPBMs.

Certified Prescribed Burn Managers (CPBMs) – From the prescribed burn practitioner's perspective, the main feature of this law that is new is the opportunity and incentive to be a CPBM. Only landowners who are themselves a CPBM or who have a CPBM execute the prescribed burn on the landowner's property can avail themselves of the liability protections afforded by this law. Prescribed burn practitioners who become a CPBM can also personally

receive the liability protections of this law. The training program to become a CPBM is administered by the Indiana DNR Division of Forestry.

Liability Protections and Other Benefits – Another aspect of the law are the enhanced liability protections and other benefits designed to increase use of prescribed burns. These are split into two groups: (1) benefits that are specific to landowners and CPBMs that comply with Section 6, and (2) benefits that apply generally.

Benefits for complying with standards in Section 6 include:

- (1) immunity from liability for harm caused by the prescribed burn or smoke from the prescribed burn unless proven negligent or engaged in willful or wanton misconduct; and
- (2) exemption from prohibitions on burning vegetation issued by a county or municipality, including local disaster declaration.

Benefits generally available include:

- (1) protection from claims of nuisance caused by prescribed burning or smoke from prescribed burning; and
- (2) the limitation of damages in cases of civil liability to only actual damages.

While landowners and prescribed burn practitioners can still complete prescribed burns without following the provisions of this law, it is recommended that all landowners and prescribed burn practitioners comply with this law to protect themselves from liability. Complying with Section 6 and following prescribed burn plans prepared and approved by CPBMs will make it more difficult to prove negligence in cases where civil liability is trying to be established.

This document was created by Rob McCrea, Attorney at the Conservation Law Center, for the Indiana Prescribed Fire Council. The document is for informational purposes only and does not constitute legal advice.

QR Code to Indiana Code 14-23-6.6 Prescribed Burning

