



January 23, 2012

# HOUSE BILL No. 1312

DIGEST OF HB 1312 (Updated January 17, 2012 10:51 am - DI 77)

**Citations Affected:** IC 16-42.

**Synopsis:** Sale of poultry at farmer's markets. Provides that an individual vendor of a farmer's market or roadside stand is not considered to be a food establishment if the individual vendor's food product is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual. (Current law requires the food product to be made in the vendor's primary residence.) Exempts a farmer's market or roadside stand vendor from meat inspection requirements if certain food safety requirements are met. Provides that poultry offered for sale at a farmer's market or roadside stand is not a potentially hazardous food product for purposes of exemption from the food establishment laws if the individual vendor of the poultry: (1) complies with certain requirements; (2) does not slaughter poultry that is dying, disabled, or diseased; (3) does not distribute poultry that has died before slaughter; (4) processes the poultry safely; (5) maintains proper temperature control of the poultry; and (6) is exempt from antemortem inspection and postmortem inspection and other requirements by the board of animal health.

**Effective:** May 31, 2012.

**Ellspermann, Clere**

January 11, 2012, read first time and referred to Committee on Agriculture and Rural Development.  
January 23, 2012, reported — Do Pass.

HB 1312—LS 6798/DI 77+



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January 23, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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## HOUSE BILL No. 1312

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-42-5-29, AS ADDED BY P.L.86-2009,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 MAY 31, 2012]: Sec. 29. (a) This section applies to an individual  
4 vendor of a farmer's market or roadside stand.  
5 (b) An individual vendor of a farmer's market or roadside stand is  
6 not considered to be a food establishment and is exempt from the  
7 requirements of this title that apply to food establishments if the  
8 individual vendor's food product:  
9 (1) is made, **grown, or raised** by an individual ~~in~~ **at** the  
10 individual's primary residence, **property owned by the**  
11 **individual, or property leased by the individual;**  
12 (2) is not a potentially hazardous food product;  
13 (3) is prepared by an individual who practices proper sanitary  
14 procedures, including:  
15 (A) proper hand washing;  
16 (B) sanitation of the container or other packaging in which the  
17 food product is contained; and

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- 1 (C) safe storage of the food product;  
 2 (4) is not resold; and  
 3 (5) includes a label that contains the following information:  
 4 (A) The name and address of the producer of the food product.  
 5 (B) The common or usual name of the food product.  
 6 (C) The ingredients of the food product, in descending order  
 7 by predominance by weight.  
 8 (D) The net weight and volume of the food product by  
 9 standard measure or numerical count.  
 10 (E) The date on which the food product was processed.  
 11 (F) The following statement in at least 10 point type: "This  
 12 product is home produced and processed and the production  
 13 area has not been inspected by the state department of health."  
 14 (c) An individual vendor who meets the requirements in subsection  
 15 (b) is subject to food sampling and inspection if:  
 16 (1) the state department determines that the individual vendor's  
 17 food product is:  
 18 (A) misbranded under section 12(b) of this chapter; or  
 19 (B) adulterated; or  
 20 (2) a consumer complaint has been received by the state  
 21 department.  
 22 (d) If the state department has reason to believe that an imminent  
 23 health hazard exists with respect to an individual vendor's food  
 24 product, the state department may order cessation of production and  
 25 sale of the food product until the state department determines that the  
 26 hazardous situation has been addressed.  
 27 (e) For purposes of this section, the state health commissioner or the  
 28 commissioner's authorized representatives may take samples for  
 29 analysis and conduct examinations and investigations through any  
 30 officers or employees under the state health commissioner's  
 31 supervision. Those officers and employees may enter, at reasonable  
 32 times, the facilities of an individual vendor and inspect any food  
 33 products in those places and all pertinent equipment, materials,  
 34 containers, and labeling.  
 35 (f) The state health commissioner may develop guidelines for an  
 36 individual vendor who seeks an exemption from regulation as a food  
 37 establishment as described in subsection (b). The guidelines may  
 38 include:  
 39 (1) standards for best safe food handling practices;  
 40 (2) disease control measures; and  
 41 (3) standards for potable water sources.  
 42 (g) For purposes of subsection (b)(2), poultry is not a potentially

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- 1     **hazardous food product if the individual vendor of a farmer's**
- 2     **market or roadside stand:**
- 3         **(1) complies with the requirements under this section;**
- 4         **(2) does not slaughter poultry that is dying, disabled, or**
- 5         **diseased;**
- 6         **(3) does not distribute poultry that has died before slaughter;**
- 7         **(4) processes the poultry safely either at:**
  - 8             **(A) the individual's residence, property owned by the**
  - 9             **individual, or property leased by the individual; or**
  - 10            **(B) an approved slaughtering establishment (as defined by**
  - 11            **IC 15-17-2-6);**
  - 12            **(5) maintains proper temperature control of the poultry; and**
  - 13            **(6) is exempt under IC 15-17-5-11(a) from antemortem**
  - 14            **inspection and postmortem inspection and other requirements**
  - 15            **under IC 15-17-5.**
- 16     **SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LEHE, Chair

Committee Vote: yeas 7, nays 2.

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