
HOUSE BILL No. 1298

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-2.1-27; IC 34-30-2-24.3.

Synopsis: Transportation of food products. Provides that a person who operates a motor vehicle for the transportation of food without complying with health rules concerning food transportation commits a Class A infraction. Authorizes a law enforcement officer to inspect, detain, and, in certain cases, impound a motor vehicle that does not comply with the health rules. Provides that a health inspector may order the disposal of certain food and the impoundment of noncomplying motor vehicles. Provides that a person who transports food that was ordered disposed commits a Class C misdemeanor. Provides civil immunity for certain individuals enforcing food transportation safety laws.

Effective: July 1, 2012.

Davis

January 11, 2012, read first time and referred to Committee on Roads and Transportation.

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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. 1298



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

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

1 SECTION 1. IC 8-2.1-27 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]:

4 **Chapter 27. Transportation of Food**

5 **Sec. 1. As used in this chapter, "acceptable temperature" means**
6 **a temperature established in a rule or regulation adopted and**
7 **enforced by the state department of health or a local health**
8 **department with respect to the storage and transportation of a**
9 **particular food.**

10 **Sec. 2. As used in this chapter, "health inspector" refers to an**
11 **agent or employee of the state department of health or a local**
12 **health department.**

13 **Sec. 3. As used in this chapter, "law enforcement officer"**
14 **means:**

- 15 (1) a state police officer; or
- 16 (2) a state police motor carrier inspector;
- 17 **with authority to enforce this article.**



1 **Sec. 4. (a) A person may not operate a motor vehicle for the**
 2 **transportation of food upon a public highway unless the motor**
 3 **vehicle is in compliance with applicable rules adopted by the state**
 4 **department of health concerning the transportation of food.**

5 **(b) In addition to any penalties provided in IC 9, IC 16, or rules**
 6 **or regulations adopted by the state department of health or a local**
 7 **health department, a person who operates a motor vehicle for the**
 8 **transportation of food in violation of subsection (a) commits a**
 9 **Class A infraction. The operation of a motor vehicle in violation of**
 10 **subsection (a) includes the operation of the vehicle when:**

11 **(1) the temperature of the compartment of the motor vehicle**
 12 **in which food is stored during transportation is more than**
 13 **two degrees (2°) above the acceptable temperature; or**

14 **(2) the food being transported exhibits outward signs of**
 15 **contamination, spoilage, deterioration, putrefaction, or**
 16 **infestation.**

17 **Sec. 5. (a) A law enforcement officer may inspect a motor**
 18 **vehicle used to transport food to determine compliance with**
 19 **section 4(a) of this chapter. If the law enforcement officer**
 20 **determines that the motor vehicle is not in compliance, the law**
 21 **enforcement officer may:**

22 **(1) contact a health inspector to inspect the motor vehicle; and**

23 **(2) detain the motor vehicle and the motor vehicle's operator**
 24 **for purposes of the inspection.**

25 **(b) A health inspector may inspect a motor vehicle used to**
 26 **transport food to determine compliance with section 4(a) of this**
 27 **chapter. If the health inspector determines that the motor vehicle**
 28 **is not in compliance with section 4(a) of this chapter, the health**
 29 **inspector may order either or both of the following:**

30 **(1) Disposal of part or all of the food.**

31 **(2) Impoundment of the vehicle.**

32 **(c) A person who recklessly, knowingly, or intentionally**
 33 **transports food that a health inspector orders to be disposed under**
 34 **subsection (b)(1), other than for the purpose of disposal, commits**
 35 **a Class A misdemeanor.**

36 **(d) A person who operates a motor vehicle impounded under**
 37 **subsection (b)(2) may not obtain possession of the motor vehicle**
 38 **until the person complies with this chapter, including paying any**
 39 **costs associated with the disposal of food under subsection (b)(1).**

40 **Sec. 6. The following are not liable in a civil action for an official**
 41 **act done or omitted in connection with the performance of duties**
 42 **under this chapter:**

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- 1 **(1) An agent or employee of the department.**
- 2 **(2) An agent or employee of the state police department.**
- 3 **(3) An agent or employee of the state department of health.**
- 4 **(4) An agent or employee of a local health department.**
- 5 **(5) Any other individual charged with enforcing:**
- 6 **(A) this article; or**
- 7 **(B) rules or regulations adopted by the state department of**
- 8 **health or a local health department concerning the**
- 9 **transportation of food.**
- 10 SECTION 2. IC 34-30-2-24.3 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2012]: **Sec. 24.3. IC 8-2.1-27-6 (Concerning**
- 13 **persons who enforce certain food transportation safety laws).**

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