



April 5, 2013

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**ENGROSSED  
SENATE BILL No. 457**

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DIGEST OF SB 457 (Updated March 28, 2013 9:34 am - DI 118)

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

**Synopsis:** Farming practices and inspections. Allows for rabbits to be slaughtered and processed without inspection under certain conditions and sold at a farmers' market or roadside stand. Requires that rabbits exempt from inspection and sold at a farmers' market or roadside stand be frozen at the point of sale.

**Effective:** July 1, 2013.

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**Banks, Kruse, Waterman, Tomes**

(HOUSE SPONSOR — OBER)

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January 10, 2013, read first time and referred to Committee on Agriculture and Natural Resources.

February 19, 2013, amended, reported favorably — Do Pass.

February 21, 2013, read second time, amended, ordered engrossed.

February 22, 2013, engrossed.

February 25, 2013, read third time, passed. Yeas 49, nays 1.

HOUSE ACTION

March 12, 2013, read first time and referred to Committee on Agriculture and Rural Development.

April 4, 2013, reported — Do Pass.

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ES 457—LS 7193/DI 109+



April 5, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 457

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A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

- 1 SECTION 1. IC 16-42-5-29, AS AMENDED BY P.L.86-2012,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: 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 at the individual's  
10 primary residence, property owned by the individual, or property  
11 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

ES 457—LS 7193/DI 109+



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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 IC 16-42-2-3; 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) The department shall adopt rules that:

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- 1 (1) incorporate by reference 9 CFR 381.10(c) allowing poultry
- 2 products slaughtered and processed on a farm for the purpose of
- 3 conducting limited sales on the farm, at a farmer's market, and at
- 4 a roadside stand; ~~and~~
- 5 (2) require that poultry processed under this section be frozen at
- 6 the point of sale and labeled in compliance with the requirements
- 7 of 9 CFR 381.10;
- 8 **(3) allow rabbits to be slaughtered and processed on a farm**
- 9 **for the purpose of conducting limited sales on the farm, at a**
- 10 **farmer's market, and at a roadside stand; and**
- 11 **(4) require that rabbits processed under this section be frozen**
- 12 **at the point of sale.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 457, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 4.

Page 5, line 16, reset in roman "(2) is not a potentially hazardous food product;"

Page 5, line 17, reset in roman "(3)".

Page 5, line 17, delete "(2)".

Page 5, line 23, reset in roman "(4)".

Page 5, line 23, delete "(3)".

Page 5, line 24, reset in roman "(5)".

Page 5, line 24, delete "(4)".

Page 6, line 22, reset in roman "9 CFR 381.10(c)".

Page 6, line 22, delete "9 CFR 381.10(b)".

Page 6, line 23, delete "less than three thousand (3,000)".

Page 6, line 23, reset in roman "products".

Page 6, line 23, delete "per".

Page 6, line 24, delete "year".

Page 6, line 26, delete "through delivery,".

Page 6, line 29, delete "and".

Page 6, line 33, delete "381.10." and insert "**381.10; and**

**(4) require that rabbits processed under this section be frozen at the point of sale and labeled in compliance with 9 CFR 381.10."**

Page 6, delete lines 34 through 42.

Delete page 7.

Renumber SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 457 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 9, Nays 0.

ES 457—LS 7193/DI 109+



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SENATE MOTION

Madam President: I move that Senate Bill 457 be amended to read as follows:

Page 3, line 10, delete "stand and labeled in" and insert "**stand; and**".

Page 3, delete line 11.

Page 3, line 13, after "sale" insert ".".

Page 3, line 13, delete "and labeled in compliance with 9 CFR".

Page 3, delete line 14.

(Reference is to SB 457 as printed February 20, 2013.)

BANKS

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 457, 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 11, nays 0.

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