

SENATE BILL No. 542

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-42-5-30.

Synopsis: Micro markets. Provides that a retail food establishment that is a micro market is not required to have a person in charge present at the micro market if certain requirements are met.

Effective: July 1, 2013.

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January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

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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.

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SENATE BILL No. 542



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 16-18-2-226.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 226.4. "Micro market", for**
4 **purposes of IC 16-42-5-30, has the meaning set forth in**
5 **IC 16-42-5-30(a).**

6 SECTION 2. IC 16-18-2-226.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: **Sec. 226.5. "Micro market display",**
9 **for purposes of IC 16-42-5-30, has the meaning set forth in**
10 **IC 16-42-5-30(b).**

11 SECTION 3. IC 16-42-5-30 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2013]: **Sec. 30. (a) As used in this section, "micro market" means**
14 **an unstaffed, self-checkout retail food establishment that:**

15 **(1) consists of one (1) or more micro market displays that do**
16 **not exceed two hundred fifty (250) linear feet in total length**
17 **across the front of the displays;**



- 1 (2) contains a payment kiosk; and
 2 (3) is located in one (1) of the following:
 3 (A) A business that is accessible only to an:
 4 (i) owner or employee of the business; or
 5 (ii) escorted guest.
 6 (B) A building that:
 7 (i) is open to the public; and
 8 (ii) is not used primarily as a retail food establishment.
 9 (b) "Micro market display" means any of the following in which
 10 food is displayed:
 11 (1) An open rack.
 12 (2) A refrigerated cooler.
 13 (3) A freezer.
 14 (c) Notwithstanding any other state law, a micro market is not
 15 required to have a person in charge present at the micro market if
 16 the following requirements are met:
 17 (1) The following security measures are used for the micro
 18 market:
 19 (A) Twenty-four (24) hour a day video surveillance that:
 20 (i) records consumers viewing, selecting, and purchasing
 21 products from the micro market; and
 22 (ii) provides sufficient resolution to identify consumers
 23 described in item (i).
 24 (B) The video surveillance recordings described in clause
 25 (A) are:
 26 (i) maintained; and
 27 (ii) available for inspection upon request by the state
 28 department;
 29 for seven (7) days after the date of the surveillance.
 30 (C) The self-checkout equipment used in the micro market
 31 has the capability to match a purchase with the consumer
 32 who made the purchase.
 33 (2) The only food sold at the micro market is prepackaged
 34 food or fruit.
 35 (3) Prepackaged food sold at the micro market contains the
 36 following information on its packaging:
 37 (A) The nutritional information regarding the food.
 38 (B) A freshness or expiration date.
 39 (4) The refrigerated or frozen food sold in the micro market
 40 is stored in a refrigerated cooler or freezer that:
 41 (A) maintains an internal temperature necessary for food
 42 safety as established by the state department;

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- 1 **(B) has self-closing doors;**
- 2 **(C) allows the food to be viewed without opening the door**
- 3 **to the refrigerated cooler or freezer; and**
- 4 **(D) has an automatic self-locking feature that prevents a**
- 5 **consumer from accessing the food upon the occurrence of**
- 6 **any condition (including a power failure or mechanical**
- 7 **failure) that results in the failure of the refrigerated cooler**
- 8 **or freezer to maintain the internal temperature necessary**
- 9 **for food safety, as established by the state department.**

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