

SENATE BILL No. 570

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-42-5-29.

Synopsis: Sales by agricultural producers. Provides that a local unit of government may not require licensure, certification, or inspection for the sale of food products of an individual vendor who meets certain requirements.

Effective: July 1, 2013.

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January 15, 2013, read first time and referred to Committee on Agriculture and Natural Resources.

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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. 570



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) As used in this section, "end consumer" means a person who**
6 **is the last person to purchase any food product and who does not**
7 **resell the food product.**
8 ~~(b)~~ (c) An individual vendor of a farmer's market or roadside stand
9 is not considered to be a food establishment and is exempt from the
10 requirements of this title that apply to food establishments if the
11 individual vendor's food product:
12 (1) is made, grown, or raised by an individual at the individual's
13 primary residence, property owned by the individual, or property
14 leased by the individual;
15 (2) is not a potentially hazardous food product;
16 (3) is prepared by an individual who practices proper sanitary
17 procedures, including:



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

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- 1 (2) disease control measures; and
- 2 (3) standards for potable water sources.
- 3 ~~(g)~~ **(h)** The department shall adopt rules that:
- 4 (1) incorporate by reference 9 CFR 381.10(c) (allowing poultry
- 5 products slaughtered and processed on a farm for the purpose of
- 6 conducting limited sales on the farm, at a farmer's market, and at
- 7 a roadside stand); and
- 8 (2) require that poultry processed under this section be frozen at
- 9 the point of sale and labeled in compliance with the requirements
- 10 of 9 CFR 381.10.
- 11 **(i) Notwithstanding any other law, a local unit of government**
- 12 **(as defined in IC 14-22-31.5-1) may not by ordinance or resolution**
- 13 **require any licensure, certification, or inspection for food products**
- 14 **of an individual vendor who meets the requirements in subsection**
- 15 **(c), including an individual vendor who delivers the individual's**
- 16 **food product directly to an end consumer.**

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