February 20, 2013

SENATE BILL No. 457

DIGEST OF SB 457 (Updated February 18, 2013 11:45 am - DI 109)

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.

Banks, Kruse, Waterman, Tomes

January 10, 2013, read first time and referred to Committee on Agriculture and Natural Resources.
February 19, 2013, amended, reported favorably — Do Pass.

C o p y

February 20, 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.

C o p y

SENATE BILL No. 457

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:

SECTION 1. IC 16-42-5-29, AS AMENDED BY P.L.86-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29. (a) This section applies to an individual vendor of a farmer's market or roadside stand.

(b) An individual vendor of a farmer's market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:

(1) 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;

(2) is not a potentially hazardous food product;

(3) is prepared by an individual who practices proper sanitary procedures, including:

(A) proper hand washing;

(B) sanitation of the container or other packaging in which the food product is contained; and

(C) safe storage of the food product;

(4) is not resold; and

(5) includes a label that contains the following information:

(A) The name and address of the producer of the food product.

(B) The common or usual name of the food product.

(C) The ingredients of the food product, in descending order by predominance by weight.

(D) The net weight and volume of the food product by standard measure or numerical count.

(E) The date on which the food product was processed.

(F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health.".

(c) An individual vendor who meets the requirements in subsection (b) is subject to food sampling and inspection if:

(1) the state department determines that the individual vendor's food product is:

(A) misbranded under IC 16-42-2-3; or

(B) adulterated; or

(2) a consumer complaint has been received by the state department.

(d) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

(e) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

(f) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (b). The guidelines may include:

(1) standards for best safe food handling practices;

(2) disease control measures; and

(3) standards for potable water sources.

(g) The department shall adopt rules that:

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(1) incorporate by reference 9 CFR 381.10(c) allowing poultry products slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand; ~~and~~

(2) require that poultry processed under this section be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;

(3) allow rabbits to be slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand and labeled in compliance with the requirements of 9 CFR 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.

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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.

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