

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1424

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-137, AS AMENDED BY P.L.49-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 137. (a) "Food establishment", for purposes of IC 16-42-5, IC 16-42-5.2, and IC 16-42-5.3, means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

(b) The term does not include the following:

(1) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(2) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:

(A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and

(B) the gathering is for a purpose of the organization.

Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.

(3) A vehicle used to transport food solely for distribution to the

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needy, either free of charge or for a nominal donation.

(4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(5) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for an organization:

(A) that is organized for:

(i) religious purposes; or

(ii) educational purposes in a nonpublic educational setting;

(B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) that offers the food for sale to the final consumer at an event held for the benefit of the organization;

unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(6) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:

(A) is organized for civic, fraternal, veterans, or charitable purposes;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) offers food for sale to the final consumer at an event held for the benefit of the organization;

if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year.

(7) The holder of a farm winery permit under IC 7.1-3-12-5 or a brewer's permit under IC 7.1-3-2-7(5) if the requirements of IC 16-42-5-30 are met.

(8) A home based vendor or an individual vendor who sells a food product under IC 16-42-5.3.

(9) A homestead vendor (as defined in IC 16-42-5.4-1).

(10) A small farm (as defined in IC 16-42-5.4-4).

SECTION 2. IC 16-18-2-172.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 172.5. "Homestead vendor", for purposes of IC 16-42-5.4, has the meaning set forth in IC 16-42-5.4-1.**

SECTION 3. IC 16-18-2-222.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 222.5. "Meat product", for purposes of IC 16-42-5.4, has the meaning set forth in**



IC 16-42-5.4-2.

SECTION 4. IC 16-18-2-293.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 293.9. "Produce", for purposes of IC 16-42-5.4, has the meaning set forth in IC 16-42-5.4-3.**

SECTION 5. IC 16-18-2-331.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 331.7. "Small farm", for purposes of IC 16-42-5.4, has the meaning set forth in IC 16-42-5.4-4.**

SECTION 6. IC 16-19-3-4, AS AMENDED BY P.L.1-2025, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Except as provided in IC 16-42-5.4**, the executive board may, by an affirmative vote of a majority of its members, adopt reasonable rules under IC 4-22-2 on behalf of the state department to protect or to improve the public health in Indiana.

(b) The rules may concern but are not limited to the following:

- (1) Nuisances dangerous to public health.
- (2) The pollution of any water supply other than where jurisdiction is in the environmental rules board and department of environmental management.
- (3) The disposition of excremental and sewage matter.
- (4) The control of fly and mosquito breeding places.
- (5) The detection, reporting, prevention, and control of diseases that affect public health.
- (6) The care of maternity and infant cases and the conduct of maternity homes.
- (7) The production, distribution, and sale of human food.
- (8) Except as provided in section 4.4 of this chapter, the conduct of camps.
- (9) Standards of cleanliness of eating facilities for the public.
- (10) Standards of cleanliness of sanitary facilities offered for public use.
- (11) The handling, disposal, disinterment, and reburial of dead human bodies.
- (12) Vital statistics.
- (13) Sanitary conditions and facilities in public buildings and grounds, including plumbing, drainage, sewage disposal, water supply, lighting, heating, and ventilation, other than where jurisdiction is vested by law in the fire prevention and building safety commission or other state agency.



(14) The design, construction, and operation of swimming and wading pools. However, the rules governing swimming and wading pools do not apply to a pool maintained by an individual for the sole use of the individual's household and house guests.

(15) Time temperature control for safety food.

(c) The executive board shall adopt reasonable rules to regulate the following:

- (1) The sanitary operation of tattoo parlors.
- (2) The sanitary operation of body piercing facilities.

(d) The executive board may adopt rules on behalf of the state department for the efficient enforcement of this title, except as otherwise provided. However, fees for inspections relating to weights and measures may not be established by the rules.

(e) The executive board may declare that a rule described in subsection (d) is necessary to meet an emergency and adopt the rule under IC 4-22-2.

(f) The rules of the state department may not be inconsistent with this title and or any other state law.

(g) Rules adopted under subsection (b)(15) may not apply to a:

- (1) homestead vendor (as defined in IC 16-42-5.4-1); or**
- (2) small farm (as defined in IC 16-42-5.4-4).**

SECTION 7. IC 16-42-5-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.2. A person that:**

- (1) is a homestead vendor (as defined in IC 16-42-5.4-1); or**
- (2) operates a small farm (as defined in IC 16-42-5.4-4);**

is exempt from the requirements of this chapter.

SECTION 8. IC 16-42-5.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 5.4. Regulation of Community Producers

Sec. 1. As used in this chapter, "homestead vendor" means a person that prepares and sells food products or meat products from:

- (1) property or at a farmers market; and**
- (2) which the person does not receive more than one million five hundred thousand dollars (\$1,500,000) in gross sales from food products or meat products in a single year.**

Sec. 2. As used in this chapter, "meat product" means a product capable of use as human food that is made wholly or in part from meat or other parts of the carcass of any of the following:

- (1) Cattle.**



- (2) Sheep.
- (3) Swine.
- (4) Bison.
- (5) Poultry.
- (6) Goats.
- (7) Rabbit.

Sec. 3. As used in this chapter, "produce" means any agricultural or naturally occurring product that is:

- (1) grown, cultivated, raised, or harvested for human consumption; and
- (2) not prohibited by state or federal law.

Sec. 3.5. As used in this chapter, "property" means land owned or leased by a homestead vendor or the owner of a small farm that is either the homestead vendor's or the owner of a small farm's:

- (1) primary residence; or
- (2) agricultural property.

Sec. 4. As used in this chapter, "small farm" means land:

- (1) that is used primarily for growing crops or raising livestock;
- (2) from which a person prepares and sells food products; and
- (3) from which not more than one million five hundred thousand dollars (\$1,500,000) in gross sales is received from:
 - (A) meat products;
 - (B) cultivated or harvested crops; or
 - (C) the sale of food products;

in a single year.

Sec. 5. (a) Except as provided in subsection (b), the state department, a local unit of government (as defined in IC 14-22-31.5-1), the corporation, or a local health department may not impose any rules, regulations, certifications, or licensing requirements on:

- (1) a homestead vendor; or
- (2) an owner of a small farm;

that are not required under federal law.

(b) The state department, a local unit of government (as defined in IC 14-22-31.5-1), the corporation, or a local health department may investigate complaints against:

- (1) a homestead vendor; or
- (2) an owner of a small farm;

regarding a foodborne illness derived from the homestead vendor or the owner of a small farm's food product.

Sec. 6. (a) The homestead vendor or the owner of a small farm



may sell the items described in subsection (b) at:

- (1) property (as defined in section 3.5 of this chapter); or
- (2) a farmers market;

directly to an end consumer.

(b) A homestead vendor or the owner of a small farm may sell the following items primarily derived from a location described in subsection (a)(1) or (a)(2) directly to an end consumer:

- (1) Meat products:
 - (A) raised at the individual's property; and
 - (B) slaughtered, processed, and labeled in compliance with IC 15-17-5.
- (2) Prepared foods, including baked goods.
- (3) Candy.
- (4) Produce.
- (5) Natural sweeteners.
- (6) Fruit spreads.

Sec. 7. (a) A homestead vendor or the owner of a small farm shall include a label for packaged homemade food products or a sign for unpackaged homemade food products that contains the following information:

- (1) The name of the homestead vendor or the owner of the small farm that produced the homemade food product.
- (2) The address of the homestead vendor or the owner of the small farm that produced the homemade food product.
- (3) The ingredients of the homemade food product, in descending order by predominance by weight.
- (4) A description of the homemade food product.
- (5) A description of allergens that might have come in contact with the homemade food product.
- (6) The following statement in at least 10 point type: "This product was produced by a homestead vendor or the owner of a small farm that is exempt from government licensing and inspection."

(b) A homestead vendor may not ship or deliver a food product to an end consumer who is located outside Indiana.

Sec. 8. (a) If a homestead vendor or the owner of a small farm obtains a food handler's certificate from a certificate issuer that is accredited by the American National Standards Institute, then the homestead vendor or the owner of a small farm may ship or deliver a food product or meat product in a sealed package directly to an end consumer.

(b) A homestead vendor or the owner of a small farm who does



not have a food handler's certificate may not ship or deliver a food product or meat product.

(c) A homestead vendor or the owner of a small farm may not ship or deliver a food product or meat product to an end consumer who is located outside Indiana.

Sec. 9. (a) A homestead vendor or the owner of a small farm who sells meat products from livestock under this chapter must keep the meat products refrigerated in a manner consistent with best food handling practices.

(b) A homestead vendor or the owner of a small farm who is subject to section 8 of this chapter shall:

- (1) handle;
- (2) refrigerate;
- (3) transport; and
- (4) store;

the meat products or food products in a manner that prevents contamination or adulteration.

SECTION 9. IC 22-11-17-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.5. A public building located on a:

- (1) homestead vendor's (as defined in IC 16-42-5.4-1); or
- (2) small farm's (as defined in IC 16-42-5.4-4);

property (as defined in IC 16-42-5.4-3.5) is exempt from this chapter and rules adopted by the commission.

SECTION 10. IC 22-12-1-4, AS AMENDED BY P.L.142-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) "Class 1 structure" means any part of the following:

- (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - (A) The public.
 - (B) Three (3) or more tenants.
 - (C) One (1) or more persons who act as the employees of another.
- (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
- (3) Outdoor event equipment.
- (4) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (f).



(b) Subsection (a)(1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:

- (1) are intended to be or are used or leased by the owner of the unit; and
- (2) are not completely separated from each other by an unimproved space.

(c) Subsection (a)(1) does not include a building or structure that ~~(1)~~ is intended to be or is used only for an agricultural purpose on the land where it is located. **A building or structure under this subsection includes a stand or another retail building used primarily for the sale of goods or other items on property (as defined in IC 16-42-5.4-3.5).**

~~(2) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.~~

(d) Subsection (a)(1) does not include a Class 2 structure.

(e) Subsection (a)(1) does not include a vehicular bridge.

(f) Subsection (a)(1) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

- (1) the structure; or
- (2) mechanical or electrical equipment located within and affixed to the structure.

SECTION 11. IC 22-13-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 16. The following apply to a building, a structure, a stand, or another retail building under IC 22-12-1-4(c) used primarily for the sale of goods or other items on property (as defined in IC 16-42-5.4-3.5):**

(1) This section does not:

(A) authorize the placement of a building, structure, or stand within a public right-of-way, utility easement, or other restricted area in violation of applicable law;

(B) affect the authority of a county, municipality, or other local unit to regulate access to a road, including ingress and egress, driveway permits, curb cuts, or related requirements; or

(C) affect the authority of a county, municipality, or other local unit to enforce requirements concerning setbacks, parking, and signage.

(2) If the building, structure, or stand contains plumbing fixtures and is located within the boundaries of a sewer



district or is otherwise eligible for connection to a public sewer system, the owner shall obtain a will-serve letter from the applicable sewer utility. If the building, structure, or stand is not located within a sewer district the owner must obtain:

- (A) a new or modified septic construction permit issued by the local health department; or**
 - (B) written verification from the local health department that the existing onsite sewage system has sufficient capacity to serve the building, structure, or stand.**
- (3) Compliance with this section does not require:**
- (A) classification as a Class 1 structure;**
 - (B) a design release;**
 - (C) plan review;**
 - (D) a building permit; or**
 - (E) a certificate of occupancy under this article.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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