

PROPOSED AMENDMENT

HB 1424 # 1

DIGEST

Homestead vendors and small farms. Allows the executive board of the Indiana department of health to adopt rules concerning time temperature control for safety food. Creates an exception and specifies that these rules may not apply to a homestead vendor or a small farm. Amends the requirements for the refrigeration of meat products from livestock. Amends the items that a homestead vendor or owner of a small farm may sell from a homestead or small farm. Makes technical corrections.

1 Page 3, delete lines 12 through 42, begin a new paragraph and
2 insert:
3 "SECTION 5. IC 16-18-2-351.7, AS ADDED BY P.L.151-2024,
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 351.7. (a) "Time temperature control for safety
6 food" ~~for purposes of IC 16-42-5.3~~, means a food that requires time or
7 temperature control to safely limit the:
8 (1) growth of pathogenic microorganisms; or
9 (2) formation of toxins.
10 (b) The term includes the following:
11 (1) A food of animal origin that is raw or heat treated.
12 (2) A food of plant origin that is heat treated or consists of any of
13 the following:
14 (A) Raw seed sprouts.
15 (B) Cut melons.
16 (C) Cut leafy greens.
17 (D) Cut tomatoes or mixtures of cut tomatoes that are not
18 modified in a way that results in mixtures that do not support
19 the growth or formation described in subsection (a).
20 (E) Garlic-in-oil mixtures that are not modified in a way that
21 results in mixtures that do not support the growth or formation
22 described in subsection (a).
23 (3) Except as specified in subsection (c)(4) and (c)(5), a food that
24 involves an interaction of pH and Aw for control of spores in food
25 that is heat treated to destroy vegetative cells and subsequently

1 packaged that results in:

2 (A) an Aw value greater than 0.92 but less than or equal to
3 0.95 and a pH value greater than 5.6; or
4 (B) an Aw value greater than 0.95 and a pH value greater than
5 4.6.

6 (4) Except as specified in subsection (c)(4) and (c)(5), a food that
7 involves an interaction of pH and Aw for control of vegetative
8 cells and spores in food that is not heat treated, or is heat treated
9 but not packaged, and that results in:

10 (A) an Aw value greater than or equal to 0.88 but less than or
11 equal to 0.90 and a pH value greater than 5.0;
12 (B) an Aw value greater than 0.90 but less than or equal to
13 0.92 and a pH value greater than 4.6; or
14 (C) an Aw value greater than 0.92 and a pH value greater than
15 or equal to 4.2.

16 (c) The term does not include the following:

17 (1) An air-cooled hard-boiled egg with shell intact.

18 (2) An egg with shell intact that:

19 (A) is not hard-boiled; and
20 (B) has been pasteurized to destroy all viable salmonellae.

21 (3) A food in an unopened hermetically sealed container that is
22 commercially processed to achieve and maintain commercial
23 sterility under conditions of nonrefrigerated storage and
24 distribution.

25 (4) Except as specified in subsection (b)(1) or (b)(2), a food that
26 does not meet the requirements described in subsection (b)(3) or
27 (b)(4) due to the:

28 (A) pH or Aw value; or
29 (B) interaction of Aw and pH values;

30 of the food.

31 (5) A food that meets the requirements of subsection (b)(3) or
32 (b)(4) and has undergone a product assessment showing that the
33 growth or toxin formation of pathogenic microorganisms that are
34 reasonably likely to occur in the food is precluded due to:

35 (A) intrinsic factors, including added or natural characteristics
36 of the food (such as preservatives, antimicrobials, humectants,
37 acidulants, or nutrients);
38 (B) extrinsic factors, including environmental or operational
39 factors that affect the food (such as packaging), modified
40 atmosphere (such as reduced oxygen packaging), shelf life and

use, or temperature range of storage and use; or
(C) any combination of intrinsic and extrinsic factors described in clause (A) or (B).

(6) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with subdivisions (1) through (4) even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

9 SECTION 6. IC 16-19-3-4, AS AMENDED BY P.L.1-2025,
10 SECTION 182, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Except as provided in**
12 **IC 16-42-5.4**, the executive board may, by an affirmative vote of a
13 majority of its members, adopt reasonable rules under IC 4-22-2 on
14 behalf of the state department to protect or to improve the public health
15 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 16-42-5.4-3).".

Page 4, delete lines 1 through 39.

Page 5, line 19, after "carcass" insert "of".

Page 6, delete lines 5 through 6, begin a new line double block indented and insert:

"(B) slaughtered, processed, and labeled in compliance with IC 15-17-5."

Page 6, line 7, delete "Pastries." and insert "**Prepared foods, including baked goods.**".

Page 6, delete line 9, begin a new line block indented and insert:

"(4) Produce, including the following:

- (A) Pickled, acidified, or fermented produce.
- (B) Fruits and vegetables.
- (C) Nuts.
- (D) Herbs.
- (E) Legumes.
- (F) Leafy greens.".

Page 6, line 28, delete "through delivery to the end".

Page 6, line 29, delete "consumer in" and insert "in a".

Renumber all **SECTIONS** consecutively

(Reference is to HB 1424 as introduced.)