

# PROPOSED AMENDMENT

## HB 1424 # 9

### DIGEST

Farm and homestead food sales. Requires the division of family resources to implement a certain program if the necessary funding is available. Defines property. Removes the repeal of the home based food products chapter from the bill. Removes the repeal of the definition for "time temperature control for safety food". Provides that a homestead vendor or the owner of a small farm may sell food products or meat products from property owned or leased by a homestead vendor or the owner of a small farm. Allows certain entities to investigate complaints against a homestead vendor or owner of a small farm regarding a foodborne illness derived from the homestead vendor or the owner of a small farm's food product. Permits a homestead vendor or the owner of a small farm to sell food products or meat products at a farmers market. Provides that a homestead vendor or the owner of a small farm may ship food products or meat products under certain circumstances. Exempts certain buildings and structures from the definition of Class 1 structure.

- 
- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
2           "SECTION 1. IC 12-13-14-13, AS AMENDED BY P.L.13-2013,  
3           SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2026]: Sec. 13. **(a)** The division shall implement a program  
5           that provides a farmers' market administrator or a retailer who sells  
6           food at a farmers' market with a wired or wireless point of sale terminal  
7           that is connected to the EBT system.  
8           **(b) Subject to the availability of funding, the division shall**  
9           **implement a program that provides:**  
10           **(1) a homestead vendor (as defined in IC 16-42-5.4-1); and**  
11           **(2) the owner of a small farm (as defined in IC 16-42-5.4-4);**  
12           **with a wired or wireless point of sale terminal that is connected to**  
13           **the EBT system.**  
14           SECTION 2. IC 16-18-2-137, AS AMENDED BY P.L.49-2022,  
15           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16           JULY 1, 2026]: Sec. 137. (a) "Food establishment", for purposes of  
17           IC 16-42-5, IC 16-42-5.2, and IC 16-42-5.3, means any building, room,  
18           basement, vehicle of transportation, cellar, or open or enclosed area  
19           occupied or used for handling food.  
20           (b) The term does not include the following:  
21           (1) A dwelling where food is prepared on the premises by the

1 occupants, free of charge, for their consumption or for  
2 consumption by their guests.

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

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

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

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

14 (3) A vehicle used to transport food solely for distribution to the  
15 needy, either free of charge or for a nominal donation.

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

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

22 (A) that is organized for:

23 (i) religious purposes; or

24 (ii) educational purposes in a nonpublic educational setting;

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

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

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

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

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

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

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

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

- 1 (7) The holder of a farm winery permit under IC 7.1-3-12-5 or a  
 2 brewer's permit under IC 7.1-3-2-7(5) if the requirements of  
 3 IC 16-42-5-30 are met.
- 4 (8) A home based vendor or an individual vendor who sells a food  
 5 product under IC 16-42-5.3.
- 6 **(9) A homestead vendor (as defined in IC 16-42-5.4-1).**
- 7 **(10) A small farm (as defined in IC 16-42-5.4-4)."**
- 8 Page 2, delete lines 1 through 38.
- 9 Page 3, delete lines 16 through 42.
- 10 Delete page 4.
- 11 Page 5, delete lines 1 through 2.
- 12 Page 6, delete lines 20 through 21.
- 13 Page 6, delete lines 26 through 32, begin a new paragraph and  
 14 insert:
- 15 **"Sec. 1. As used in this chapter, "homestead vendor" means a**  
 16 **person that prepares and sells food products or meat products**  
 17 **from:**
- 18 **(1) property or at a farmers market; and**
- 19 **(2) which the person does not receive more than one million**  
 20 **five hundred thousand dollars (\$1,500,000) in gross sales from**  
 21 **food products or meat products in a single year."**
- 22 Page 7, between lines 5 and 6, begin a new paragraph and insert:
- 23 **"Sec. 3.5. As used in this chapter, "property" means land owned**  
 24 **or leased by a homestead vendor or the owner of a small farm that**  
 25 **is either the homestead vendor's or the owner of a small farm's:**
- 26 **(1) primary residence; or**
- 27 **(2) agricultural property."**
- 28 Page 7, line 7, after "used" insert **"primarily"**.
- 29 Page 7, line 11, delete "livestock" and insert **"meat"**.
- 30 Page 7, delete lines 15 through 32, begin a new paragraph and  
 31 insert:
- 32 **"Sec. 5. (a) Except as provided in subsection (b), the state**  
 33 **department, a local unit of government (as defined in**  
 34 **IC 14-22-31.5-1), the corporation, or a local health department**  
 35 **may not impose any rules, regulations, certifications, or licensing**  
 36 **requirements on:**
- 37 **(1) a homestead vendor; or**
- 38 **(2) an owner of a small farm;**
- 39 **that are not required under federal law.**
- 40 **(b) The state department, a local unit of government (as defined**

1 in IC 14-22-31.5-1), the corporation, or a local health department  
2 may investigate complaints against:

3 (1) a homestead vendor; or

4 (2) an owner of a small farm;

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

7 Sec. 6. (a) The homestead vendor or the owner of a small farm  
8 may sell the items described in subsection (b) at:

9 (1) property (as defined in section 3.5 of this chapter); or

10 (2) a farmers market;

11 directly to an end consumer.

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

15 (1) Meat products:

16 (A) raised at the individual's property; and

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

19 (2) Prepared foods, including baked goods.

20 (3) Candy.

21 (4) Produce.

22 (5) Natural sweeteners.

23 (6) Fruit spreads."

24 Page 8, delete lines 10 through 27, begin a new paragraph and  
25 insert:

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

32 (b) A homestead vendor or the owner of a small farm who does  
33 not have a food handler's certificate may not ship or deliver a food  
34 product or meat product.

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

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

1 **best food handling practices.**

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

- 4 **(1) handle;**  
5 **(2) refrigerate;**  
6 **(3) transport; and**  
7 **(4) store;**

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

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

- 14 **(1) homestead vendor's (as defined in IC 16-42-5.4-1); or**  
15 **(2) small farm's (as defined in IC 16-42-5.4-4);**  
16 **property (as defined in IC 16-42-5.4-3.5) is exempt from this**  
17 **chapter and rules adopted by the commission.**

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

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

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

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

1 unimproved space.

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

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

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

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

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

15 (1) the structure; or

16 (2) mechanical or electrical equipment located within and affixed  
 17 to the structure.

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

24 **(1) This section does not:**

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

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

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

35 **(2) If the building, structure, or stand contains plumbing  
 36 fixtures and is located within the boundaries of a sewer  
 37 district or is otherwise eligible for connection to a public  
 38 sewer system, the owner shall obtain a will-serve letter from  
 39 the applicable sewer utility. If the building, structure, or stand  
 40 is not located within a sewer district the owner must obtain:**

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

12           Renumber all SECTIONS consecutively.  
              (Reference is to HB 1424 as reprinted January 21, 2026.)