



Adopted	Rejected
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COMMITTEE REPORT

YES: 11
NO: 1

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1424, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 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:

1 (A) Raw seed sprouts.
2 (B) Cut melons.
3 (C) Cut leafy greens.
4 (D) Cut tomatoes or mixtures of cut tomatoes that are not
5 modified in a way that results in mixtures that do not support
6 the growth or formation described in subsection (a).
7 (E) Garlic-in-oil mixtures that are not modified in a way that
8 results in mixtures that do not support the growth or formation
9 described in subsection (a).

10 (3) Except as specified in subsection (c)(4) and (c)(5), a food that
11 involves an interaction of pH and Aw for control of spores in food
12 that is heat treated to destroy vegetative cells and subsequently
13 packaged that results in:
14 (A) an Aw value greater than 0.92 but less than or equal to
15 0.95 and a pH value greater than 5.6; or
16 (B) an Aw value greater than 0.95 and a pH value greater than
17 4.6.
18 (4) Except as specified in subsection (c)(4) and (c)(5), a food that
19 involves an interaction of pH and Aw for control of vegetative
20 cells and spores in food that is not heat treated, or is heat treated
21 but not packaged, and that results in:
22 (A) an Aw value greater than or equal to 0.88 but less than or
23 equal to 0.90 and a pH value greater than 5.0;
24 (B) an Aw value greater than 0.90 but less than or equal to
25 0.92 and a pH value greater than 4.6; or
26 (C) an Aw value greater than 0.92 and a pH value greater than
27 or equal to 4.2.
28 (c) The term does not include the following:
29 (1) An air-cooled hard-boiled egg with shell intact.
30 (2) An egg with shell intact that:
31 (A) is not hard-boiled; and
32 (B) has been pasteurized to destroy all viable salmonellae.
33 (3) A food in an unopened hermetically sealed container that is
34 commercially processed to achieve and maintain commercial
35 sterility under conditions of nonrefrigerated storage and
36 distribution.
37 (4) Except as specified in subsection (b)(1) or (b)(2), a food that
38 does not meet the requirements described in subsection (b)(3) or

1 (b)(4) due to the:

2 (A) pH or Aw value; or

3 (B) interaction of Aw and pH values;

4 of the food.

5 (5) A food that meets the requirements of subsection (b)(3) or

6 (b)(4) and has undergone a product assessment showing that the

7 growth or toxin formation of pathogenic microorganisms that are

8 reasonably likely to occur in the food is precluded due to:

9 (A) intrinsic factors, including added or natural characteristics

10 of the food (such as preservatives, antimicrobials, humectants,

11 acidulants, or nutrients);

12 (B) extrinsic factors, including environmental or operational

13 factors that affect the food (such as packaging), modified

14 atmosphere (such as reduced oxygen packaging), shelf life and

15 use, or temperature range of storage and use; or

16 (C) any combination of intrinsic and extrinsic factors

17 described in clause (A) or (B).

18 (6) A food that does not support the growth or toxin formation of

19 pathogenic microorganisms in accordance with subdivisions (1)

20 through (4) even though the food may contain a pathogenic

21 microorganism or chemical or physical contaminant at a level

22 sufficient to cause illness or injury.

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

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

31 (1) Nuisances dangerous to public health.

32 (2) The pollution of any water supply other than where

33 jurisdiction is in the environmental rules board and department of

34 environmental management.

35 (3) The disposition of excremental and sewage matter.

36 (4) The control of fly and mosquito breeding places.

37 (5) The detection, reporting, prevention, and control of diseases

38 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.

1 Page 5, line 19, after "carcass" insert "**of**".
2 Page 6, delete lines 5 through 6, begin a new line double block
3 indented and insert:
4 **(B) slaughtered, processed, and labeled in compliance**
5 **with IC 15-17-5.**".
6 Page 6, line 7, delete "Pastries." and insert "**Prepared foods,**
7 **including baked goods.**".
8 Page 6, delete line 9, begin a new line block indented and insert:
9 **"(4) Produce, including the following:**
10 **(A) Pickled, acidified, or fermented produce.**
11 **(B) Fruits and vegetables.**
12 **(C) Nuts.**
13 **(D) Herbs.**
14 **(E) Legumes.**
15 **(F) Leafy greens.**".
16 Page 6, line 28, delete "through delivery to the end".
17 Page 6, line 29, delete "consumer in" and insert "**in a**".
18 Renumber all SECTIONS consecutively.
 (Reference is to HB 1424 as introduced.)

and when so amended that said bill do pass.

Representative Barrett