



COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1424, 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:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 16-18-2-137, AS AMENDED BY P.L.49-2022,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 137. (a) "Food establishment", for purposes of
5 IC 16-42-5, IC 16-42-5.2, and IC 16-42-5.3, means any building, room,
6 basement, vehicle of transportation, cellar, or open or enclosed area
7 occupied or used for handling food.
8 (b) The term does not include the following:
9 (1) A dwelling where food is prepared on the premises by the
10 occupants, free of charge, for their consumption or for
11 consumption by their guests.
12 (2) A gathering of individuals at a venue of an organization that
13 is organized for educational purposes in a nonpublic educational
14 setting or for religious purposes, if:
15 (A) the individuals separately or jointly provide or prepare,
16 free of charge, and consume their own food or that of others
17 attending the gathering; and
18 (B) the gathering is for a purpose of the organization.

- 1 Gatherings for the purpose of the organization include funerals,
 2 wedding receptions, christenings, bar or bat mitzvahs, baptisms,
 3 communions, and other events or celebrations sponsored by the
 4 organization.
- 5 (3) A vehicle used to transport food solely for distribution to the
 6 needy, either free of charge or for a nominal donation.
- 7 (4) A private gathering of individuals who separately or jointly
 8 provide or prepare and consume their own food or that of others
 9 attending the gathering, regardless of whether the gathering is
 10 held on public or private property.
- 11 (5) Except for food prepared by a for-profit entity, a venue of the
 12 sale of food prepared for an organization:
- 13 (A) that is organized for:
- 14 (i) religious purposes; or
- 15 (ii) educational purposes in a nonpublic educational setting;
- 16 (B) that is exempt from taxation under Section 501 of the
 17 Internal Revenue Code; and
- 18 (C) that offers the food for sale to the final consumer at an
 19 event held for the benefit of the organization;
- 20 unless the food is being provided in a restaurant or a cafeteria
 21 with an extensive menu of prepared foods.
- 22 (6) Except for food prepared by a for-profit entity, an Indiana
 23 nonprofit organization that:
- 24 (A) is organized for civic, fraternal, veterans, or charitable
 25 purposes;
- 26 (B) is exempt from taxation under Section 501 of the Internal
 27 Revenue Code; and
- 28 (C) offers food for sale to the final consumer at an event held
 29 for the benefit of the organization;
- 30 if the events conducted by the organization take place for not
 31 more than fifteen (15) days in a calendar year.
- 32 (7) The holder of a farm winery permit under IC 7.1-3-12-5 or a
 33 brewer's permit under IC 7.1-3-2-7(5) if the requirements of
 34 IC 16-42-5-30 are met.
- 35 (8) A home based vendor or an individual vendor who sells a food
 36 product under IC 16-42-5.3.
- 37 **(9) A homestead vendor (as defined in IC 16-42-5.4-1).**
- 38 **(10) A small farm (as defined in IC 16-42-5.4-4)."**

- 1 Page 2, delete lines 1 through 38.
- 2 Page 3, delete lines 16 through 42.
- 3 Delete page 4.
- 4 Page 5, delete lines 1 through 2.
- 5 Page 6, delete lines 20 through 21.
- 6 Page 6, delete lines 26 through 32, begin a new paragraph and
- 7 insert:

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

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

15 Page 7, between lines 5 and 6, begin a new paragraph and insert:
 16 **"Sec. 3.5. As used in this chapter, "property" means land owned**
 17 **or leased by a homestead vendor or the owner of a small farm that**
 18 **is either the homestead vendor's or the owner of a small farm's:**

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

21 Page 7, line 7, after "used" insert **"primarily"**.
 22 Page 7, line 11, delete "livestock" and insert **"meat"**.

23 Page 7, delete lines 15 through 32, begin a new paragraph and
 24 insert:

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

- 30 (1) a homestead vendor; or
 - 31 (2) an owner of a small farm;
- 32 **that are not required under federal law.**

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

- 36 (1) a homestead vendor; or
 - 37 (2) an owner of a small farm;
- 38 **regarding a foodborne illness derived from the homestead vendor**

1 or the owner of a small farm's food product.

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

- 4 (1) property (as defined in section 3.5 of this chapter); or
 - 5 (2) a farmers market;
- 6 directly to an end consumer.

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

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

19 Page 8, delete lines 10 through 27, begin a new paragraph and
20 insert:

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

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

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

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

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

- 1 **(1) handle;**
- 2 **(2) refrigerate;**
- 3 **(3) transport; and**
- 4 **(4) store;**
- 5 **the meat products or food products in a manner that prevents**
- 6 **contamination or adulteration.**

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

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

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

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

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

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

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

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

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

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

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

14 (1) the structure; or

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

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

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

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

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

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

34 (2) **If the building, structure, or stand contains plumbing**
 35 **fixtures and is located within the boundaries of a sewer**
 36 **district or is otherwise eligible for connection to a public**
 37 **sewer system, the owner shall obtain a will-serve letter from**
 38 **the applicable sewer utility. If the building, structure, or stand**

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

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

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Buchanan

Chairperson