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HOUSE BILL No. 1424

Proposed Changes to introduced printing by AM142401

DIGEST OF PROPOSED AMENDMENT

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.

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

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

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(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 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 homestead vendor or an individual vendor who sells a food product under IC 16-42-5-3. (as defined in IC 16-42-5.4-1).~~

(9) A small farm (as defined in IC 16-42-5.4-3).

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 16-18-2-331.7 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 16-42-5.4-3.

SECTION 5. IC 16-18-2-351.7 [, AS ADDED BY P.L.151-2024, SECTION 5.] IS ~~REPEALED~~ [AMENDED TO READ AS FOLLOWS] [EFFECTIVE JULY 1, 2026] ~~<=>~~ [: Sec. 351.7. (a) "Time temperature control for safety food" ~~<=>~~ for purposes of IC 16-42-5.3, means a food that requires time or temperature control to safely limit the:

- (1) growth of pathogenic microorganisms; or
- (2) formation of toxins.

(b) The term includes the following:

- (1) A food of animal origin that is raw or heat treated.
- (2) A food of plant origin that is heat treated or consists of any of the following:
 - (A) Raw seed sprouts.
 - (B) Cut melons.
 - (C) Cut leafy greens.
 - (D) Cut tomatoes or mixtures of cut tomatoes that are not modified in a way that results in mixtures that do not support the growth or formation described in subsection (a).
 - (E) Garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth or formation described in subsection (a).
- (3) Except as specified in subsection (c)(4) and (c)(5), a food that involves an interaction of pH and Aw for control of spores in food that is heat treated to



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



◇ subsection ◇ (b)(3) ◇ or ◇ (b)(4) ◇ and ◇ has ◇ undergone
 ◇ a ◇ product ◇ assessment ◇ showing ◇ that ◇ the
 ◇ growth ◇ or ◇ toxin ◇ formation ◇ of ◇ pathogenic
 ◇ microorganisms ◇ that ◇ are ◇ reasonably ◇ likely ◇ to
 ◇ occur ◇ in ◇ the ◇ food ◇ is ◇ precluded ◇ due ◇ to:

◇ (A) ◇ intrinsic ◇ factors, ◇ including ◇ added ◇ or
 ◇ natural ◇ characteristics ◇ of ◇ the ◇ food ◇ (such
 ◇ as ◇ preservatives, ◇ antimicrobials, ◇ humectants,
 ◇ acidulants, ◇ or ◇ nutrients);

◇ (B) ◇ extrinsic ◇ factors, ◇ including ◇ environmental
 ◇ or ◇ operational ◇ factors ◇ that ◇ affect ◇ the
 ◇ food ◇ (such ◇ as ◇ packaging), ◇ modified
 ◇ 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~~:

— ~~SECTION 6~~ [injury.

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 16-42-5.4-3).

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 16-42-5.4-3);



1 is exempt from the requirements of this chapter.

2 SECTION ~~8~~[8]. IC 16-42-5.3 IS REPEALED [EFFECTIVE
3 JULY 1, 2026]. (Home Based Food Products).

4 SECTION ~~8~~[9]. IC 16-42-5.4 IS ADDED TO THE INDIANA
5 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2026]:

7 **Chapter 5.4. Regulation of Community Producers**

8 **Sec. 1. As used in this chapter, "homestead vendor" means a**
9 **person:**

10 (1) that prepares and sells food products from the person's
11 property; and

12 (2) from which not more than one million five hundred
13 thousand dollars (\$1,500,000) in gross sales is received in a
14 single year.

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

19 (1) Cattle.

20 (2) Sheep.

21 (3) Swine.

22 (4) Bison.

23 (5) Poultry.

24 (6) Goats.

25 (7) Rabbit.

26 **Sec. 3. As used in this chapter, "small farm" means land:**

27 (1) that is used for growing crops or raising livestock;

28 (2) from which a person prepares and sells food products;
29 and

30 (3) from which not more than one million five hundred
31 thousand dollars (\$1,500,000) in gross sales is received from:

32 (A) livestock products;

33 (B) cultivated or harvested crops; or

34 (C) the sale of food products;

35 in a single year.

36 **Sec. 4. The state department, a local unit of government (as**
37 **defined in IC 14-22-31.5-1), the corporation, or a local health**
38 **department may not impose any rules, regulations, certifications,**
39 **or licensing requirements on a:**

40 (1) homestead vendor; or

41 (2) small farm;

42 that are not required under federal law.



1 Sec. 5. A homestead vendor or the owner of a small farm may
2 sell the following items on the homestead or small farm's premises:

3 (1) Meat products:

4 (A) raised at the individual's primary residence; and

5 [] (B) slaughtered ~~<and>~~ [] processed ~~<at an official~~
6 ~~establishment (as defined in IC 15-17-2-72);~~

7 ~~<(2) Pastries>~~ [] and labeled in compliance with IC 15-17-5.

8 (2) Prepared foods, including baked goods].

9 (3) Candy.

10 ~~<(4) Produce;~~

11 >[(4) Produce, including the following:

12 (A) Pickled, acidified, or fermented produce.

13 (B) Fruits and vegetables.

14 (C) Nuts.

15 (D) Herbs.

16 (E) Legumes.

17 (F) Leafy greens.

18 [(5) Natural sweeteners.

19 (6) Fruit spreads.

20 Sec. 6. (a) A homestead vendor or the owner of a small farm
21 shall include a label for packaged homemade food products or a
22 sign for unpackaged homemade food products that contains the
23 following information:

24 (1) The name of the homestead vendor or the owner of the
25 small farm that produced the homemade food product.

26 (2) The ingredients of the homemade food product, in
27 descending order by predominance by weight.

28 (3) A description of the homemade food product.

29 (4) The following statement in at least 10 point type: "This
30 product was produced in a private residence that is exempt
31 from government licensing and inspection."

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

34 Sec. 7. A homestead vendor or the owner of a small farm who
35 sells meat products from livestock under this chapter must keep
36 the meat products refrigerated ~~<through delivery to the end~~
37 ~~consumer>~~ in [a] manner consistent with best food handling
38 practices.

39 SECTION ~~<9>~~ [10]. IC 22-11-17-1.5 IS ADDED TO THE
40 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2026]: Sec. 1.5. A public building located on
42 a:



1 (1) homestead vendor's (as defined in IC 16-42-5.4-1); or
2 (2) small farm's (as defined in IC 16-42-5.4-3);
3 property is exempt from this chapter and rules adopted by the
4 commission.
5 SECTION 1 ~~1~~ [\[1\]](#). [EFFECTIVE JULY 1, 2026] (a) Before
6 December 31, 2026, the Indiana department of health shall amend
7 rules affected by IC 16-42-5.3, as repealed by this act, and
8 IC 16-42-5.4, as added by this act, to comply with the amendments
9 made by this act.
10 (b) This SECTION expires December 31, 2027. [\[1\]](#)

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