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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).

41 SECTION 2. IC 16-18-2-172.5 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: **Sec. 172.5. "Homestead vendor"**, for
 2 purposes of IC 16-42-5.4, has the meaning set forth in
 3 **IC 16-42-5.4-1.**

4 SECTION 3. IC 16-18-2-222.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: **Sec. 222.5. "Meat product"**, for
 7 purposes of IC 16-42-5.4, has the meaning set forth in
 8 **IC 16-42-5.4-2.**

9 SECTION 4. IC 16-18-2-331.7 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2026]: **Sec. 331.7. "Small farm"**, for
 12 purposes of IC 16-42-5.4, has the meaning set forth in
 13 **IC 16-42-5.4-3.**

14 SECTION 5. IC 16-18-2-351.7[, AS ADDED BY P.L.151-2024,
 15 SECTION 5.] IS ~~REPEALED~~[AMENDED TO READ AS
FOLLOWS] [EFFECTIVE JULY 1, 2026] ~~[:]~~ Sec. >351.7. >(a)
 17 >"Time >temperature >control >for >safety >food" ~~<>~~ for
 18 purposes of IC 16-42-5.3, >means >a >food >that >requires
 19 >time >or >temperature >control >to >safely >limit >the:
 20 >(1) >growth >of >pathogenic >microorganisms; >or
 21 >(2) >formation >of >toxins.
 22 >(b) >The >term >includes >the >following:
 23 >(1) >A >food >of >animal >origin >that >is >raw
 24 >or >heat >treated.
 25 >(2) >A >food >of >plant >origin >that >is >heat
 26 >treated >or >consists >of >any >of >the >following:
 27 >>(A) >Raw >seed >sprouts.
 28 >>(B) >Cut >melons.
 29 >>(C) >Cut >leafy >greens.
 30 >>(D) >Cut >tomatoes >or >mixtures >of >cut
 31 >tomatoes >that >are >not >modified >in >a
 32 >way >that >results >in >mixtures >that >do
 33 >not >support >the >growth >or >formation
 34 >described >in >subsection >(a).
 35 >>(E) >Garlic-in-oil >mixtures >that >are >not
 36 >modified >in >a >way >that >results >in
 37 >mixtures >that >do >not >support >the >growth
 38 >or >formation >described >in >subsection >(a).
 39 >>(3) >Except >as >specified >in >subsection >(c)(4)
 40 >and >(c)(5), >a >food >that >involves >an
 41 >interaction >of >pH >and >Aw >for >control >of
 42 >spores >in >food >that >is >heat >treated >to



1 ◇destroy ◇vegetative ◇cells ◇and ◇subsequently
 2 ◇packaged ◇that ◇results ◇in:
 3 ◇(A) ◇an ◇Aw ◇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 ◇Aw ◇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 ◇Aw ◇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 ◇Aw ◇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 ◇Aw ◇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 ◇Aw ◇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 ◇Aw ◇value; ◇or
 40 ◇(B) ◇interaction ◇of ◇Aw ◇and ◇pH ◇values;
 41 ◇of ◇the ◇food.
 42 ◇(5) ◇A ◇food ◇that ◇meets ◇the ◇requirements ◇of



1 ◊subsection ◊(b)(3) ◊or ◊(b)(4) ◊and ◊has ◊undergone
 2 ◊a ◊product ◊assessment ◊showing ◊that ◊the
 3 ◊growth ◊or ◊toxin ◊formation ◊of ◊pathogenic
 4 ◊microorganisms ◊that ◊are ◊reasonably ◊likely ◊to
 5 ◊occur ◊in ◊the ◊food ◊is ◊precluded ◊due ◊to:
 6 ◊(A) ◊intrinsic ◊factors, ◊including ◊added ◊or
 7 ◊natural ◊characteristics ◊of ◊the ◊food ◊(such
 8 ◊as ◊preservatives, ◊antimicrobials, ◊humectants,
 9 ◊acidulants, ◊or ◊nutrients);
 10 ◊(B) ◊extrinsic ◊factors, ◊including ◊environmental
 11 ◊or ◊operational ◊factors ◊that ◊affect ◊the
 12 ◊food ◊(such ◊as ◊packaging), ◊modified
 13 ◊atmosphere ◊(such ◊as ◊reduced ◊oxygen
 14 ◊packaging), ◊shelf ◊life ◊and ◊use, ◊or
 15 ◊temperature ◊range ◊of ◊storage ◊and ◊use; ◊or
 16 ◊(C) ◊any ◊combination ◊of ◊intrinsic ◊and
 17 ◊extrinsic ◊factors ◊described ◊in ◊clause ◊(A)
 18 ◊or ◊(B).
 19 ◊(6) ◊A ◊food ◊that ◊does ◊not ◊support ◊the
 20 ◊growth ◊or ◊toxin ◊formation ◊of ◊pathogenic
 21 ◊microorganisms ◊in ◊accordance ◊with ◊subdivisions
 22 ◊(1) ◊through ◊(4) ◊even ◊though ◊the ◊food ◊may
 23 ◊contain ◊a ◊pathogenic ◊microorganism ◊or
 24 ◊chemical ◊or ◊physical ◊contaminant ◊at ◊a ◊level
 25 ◊sufficient ◊to ◊cause ◊illness ◊or ◊injury.

26 ~~—SECTION 6~~ [injury.]

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

34 (b) The rules may concern but are not limited to the following:
 35 (1) Nuisances dangerous to public health.
 36 (2) The pollution of any water supply other than where
 37 jurisdiction is in the environmental rules board and department
 38 of environmental management.
 39 (3) The disposition of excremental and sewage matter.
 40 (4) The control of fly and mosquito breeding places.
 41 (5) The detection, reporting, prevention, and control of diseases
 42 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);

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1 **is exempt from the requirements of this chapter.**

2 SECTION ~~8~~⁹ 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~~l processed~~at an official~~**
 6 **establishment (as defined in IC 15-17-2-72)].**

7 **~~(2) Pastries~~l and labeled in compliance with IC 15-17-5.**

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

9 **(3) Candy.**

10 **~~(4) Produce:~~**

11 **>I (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 **1 (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~~inl 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:**

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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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