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HOUSE BILL No. 1424

Proposed Changes to January 21, 2026 printing by AM142409

DIGEST OF PROPOSED AMENDMENT

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.

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 12-13-14-13, AS AMENDED BY P.L.13-2013,
- 2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]: Sec. 13. (a) The division shall implement a program
- 4 that provides a farmers' market administrator or a retailer who sells
- 5 food at a farmers' market with a wired or wireless point of sale terminal
- 6 that is connected to the EBT system.
- 7 (b) Subject to the availability of funding, the division shall
- 8 implement a program that provides:
- 9 (1) a homestead vendor (as defined in IC 16-42-5.4-1); and
- 10 (2) the owner of a small farm (as defined in IC 16-42-5.4-4);
- 11 with a wired or wireless point of sale terminal that is connected to

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1 the EBT system.

2] SECTION ~~1~~[2]. IC 16-18-2-137, AS AMENDED BY
 3 P.L.49-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2026]: Sec. 137. (a) "Food establishment", for
 5 purposes of IC 16-42-5 ~~and~~[,] IC 16-42-5.2, ~~and~~~~IC 16-42-5~~[
 6 IC 16-42-5].3, means any building, room, basement, vehicle of
 7 transportation, cellar, or open or enclosed area occupied or used for
 8 handling food.

9 (b) The term does not include the following:

10 (1) A dwelling where food is prepared on the premises by the
 11 occupants, free of charge, for their consumption or for
 12 consumption by their guests.

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

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

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

20 Gatherings for the purpose of the organization include funerals,
 21 wedding receptions, christenings, bar or bat mitzvahs, baptisms,
 22 communions, and other events or celebrations sponsored by the
 23 organization.

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

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

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

32 (A) that is organized for:

33 (i) religious purposes; or

34 (ii) educational purposes in a nonpublic educational
 35 setting;

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

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

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

42 (6) Except for food prepared by a for-profit entity, an Indiana

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1 nonprofit organization that:

2 (A) is organized for civic, fraternal, veterans, or charitable
3 purposes;

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

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

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

10 (7) The holder of a farm winery permit under IC 7.1-3-12-5 or a
11 brewer's permit under IC 7.1-3-2-7(5) if the requirements of
12 IC 16-42-5-30 are met.

13 (8) A ~~home based~~ ~~homestead~~ vendor ~~or~~ ~~an~~
14 ~~individual~~ ~~vendor~~ ~~who~~ ~~sells~~ ~~a~~ ~~food~~ ~~product~~
15 ~~under IC 16-42-5.3. (as defined in IC 16-42-5.4-1).~~

16 ~~(9) A small farm~~ ~~under IC 16-42-5.3.~~

17 ~~(9) A homestead vendor~~ ~~(as defined in IC 16-42-5.4-1).~~

18 ~~(10) A small farm (as defined in IC 16-42-5.4-4).~~

19 ~~SECTION 3. IC 16-18-2-172.5 IS ADDED TO THE~~
20 ~~INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS~~
21 ~~[EFFECTIVE JULY 1, 2026]: Sec. 172.5. "Homestead vendor", for~~
22 ~~purposes of IC 16-42-5.4, has the meaning set forth in~~
23 ~~IC 16-42-5.4-1.~~

24 ~~SECTION 4. IC 16-18-2-222.5 IS ADDED TO THE~~
25 ~~INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS~~
26 ~~[EFFECTIVE JULY 1, 2026]: Sec. 222.5. "Meat product", for~~
27 ~~purposes of IC 16-42-5.4, has the meaning set forth in~~
28 ~~IC 16-42-5.4-2.~~

29 ~~SECTION 5. IC 16-18-2-293.9 IS ADDED TO THE~~
30 ~~INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS~~
31 ~~[EFFECTIVE JULY 1, 2026]: Sec. 293.9. "Produce", for purposes~~
32 ~~of IC 16-42-5.4, has the meaning set forth in IC 16-42-5.4-3.~~

33 ~~SECTION 6. IC 16-18-2-331.7 IS ADDED TO THE~~
34 ~~INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS~~
35 ~~[EFFECTIVE JULY 1, 2026]: Sec. 331.7. "Small farm", for~~
36 ~~purposes of IC 16-42-5.4, has the meaning set forth in~~
37 ~~IC 16-42-5.4-4.~~

38 ~~SECTION 6. IC 16-18-2-351.7, AS ADDED BY P.L.151-2024,~~
39 ~~SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
40 ~~JULY 1, 2026]: Sec. 351.7. (a) "Time-temperature control for safety~~
41 ~~food" for purposes of IC 16-42-5.3, means a food that requires time or~~
42 ~~temperature control to safely limit the:~~

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- 1 ~~— (1) growth of pathogenic microorganisms; or~~
 2 ~~— (2) formation of toxins.~~
 3 ~~— (b) The term includes the following:~~
 4 ~~— (1) A food of animal origin that is raw or heat treated.~~
 5 ~~— (2) A food of plant origin that is heat treated or consists of any~~
 6 ~~of the following:~~
 7 ~~— (A) Raw seed sprouts.~~
 8 ~~— (B) Cut melons.~~
 9 ~~— (C) Cut leafy greens.~~
 10 ~~— (D) Cut tomatoes or mixtures of cut tomatoes that are not~~
 11 ~~modified in a way that results in mixtures that do not~~
 12 ~~support the growth or formation described in subsection (a).~~
 13 ~~— (E) Garlic-in-oil mixtures that are not modified in a way~~
 14 ~~that results in mixtures that do not support the growth or~~
 15 ~~formation described in subsection (a).~~
 16 ~~— (3) Except as specified in subsection (c)(4) and (c)(5), a food~~
 17 ~~that involves an interaction of pH and A_w for control of spores~~
 18 ~~in food that is heat treated to destroy vegetative cells and~~
 19 ~~subsequently packaged that results in:~~
 20 ~~— (A) an A_w value greater than 0.92 but less than or equal to~~
 21 ~~0.95 and a pH value greater than 5.6; or~~
 22 ~~— (B) an A_w value greater than 0.95 and a pH value greater~~
 23 ~~than 4.6.~~
 24 ~~— (4) Except as specified in subsection (c)(4) and (c)(5), a food~~
 25 ~~that involves an interaction of pH and A_w for control of~~
 26 ~~vegetative cells and spores in food that is not heat treated, or is~~
 27 ~~heat treated but not packaged, and that results in:~~
 28 ~~— (A) an A_w value greater than or equal to 0.88 but less than~~
 29 ~~or equal to 0.90 and a pH value greater than 5.0;~~
 30 ~~— (B) an A_w value greater than 0.90 but less than or equal to~~
 31 ~~0.92 and a pH value greater than 4.6; or~~
 32 ~~— (C) an A_w value greater than 0.92 and a pH value greater~~
 33 ~~than or equal to 4.2.~~
 34 ~~— (c) The term does not include the following:~~
 35 ~~— (1) An air-cooled hard-boiled egg with shell intact.~~
 36 ~~— (2) An egg with shell intact that:~~
 37 ~~— (A) is not hard-boiled; and~~
 38 ~~— (B) has been pasteurized to destroy all viable salmonellae.~~
 39 ~~— (3) A food in an unopened hermetically sealed container that is~~
 40 ~~commercially processed to achieve and maintain commercial~~
 41 ~~sterility under conditions of nonrefrigerated storage and~~
 42 ~~distribution.~~

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- 1 ~~(4) Except as specified in subsection (b)(1) or (b)(2), a food that~~
- 2 ~~does not meet the requirements described in subsection (b)(3) or~~
- 3 ~~(b)(4) due to the:~~
- 4 ~~(A) pH or Aw value; or~~
- 5 ~~(B) interaction of Aw and pH values;~~
- 6 ~~of the food.~~
- 7 ~~(5) A food that meets the requirements of subsection (b)(3) or~~
- 8 ~~(b)(4) and has undergone a product assessment showing that the~~
- 9 ~~growth or toxin formation of pathogenic microorganisms that are~~
- 10 ~~reasonably likely to occur in the food is precluded due to:~~
- 11 ~~(A) intrinsic factors, including added or natural~~
- 12 ~~characteristics of the food (such as preservatives;~~
- 13 ~~antimicrobials, humectants, acidulants, or nutrients);~~
- 14 ~~(B) extrinsic factors, including environmental or operational~~
- 15 ~~factors that affect the food (such as packaging), modified~~
- 16 ~~atmosphere (such as reduced oxygen packaging), shelf life~~
- 17 ~~and use, or temperature range of storage and use; or~~
- 18 ~~(C) any combination of intrinsic and extrinsic factors~~
- 19 ~~described in clause (A) or (B).~~
- 20 ~~(6) A food that does not support the growth or toxin formation of~~
- 21 ~~pathogenic microorganisms in accordance with subdivisions (1)~~
- 22 ~~through (4) even though the food may contain a pathogenic~~
- 23 ~~microorganism or chemical or physical contaminant at a level~~
- 24 ~~sufficient to cause illness or injury.~~
- 25 > SECTION 7. IC 16-19-3-4, AS AMENDED BY P.L.1-2025,
- 26 SECTION 182, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) **Except as provided in**
- 28 **IC 16-42-5.4**, the executive board may, by an affirmative vote of a
- 29 majority of its members, adopt reasonable rules under IC 4-22-2 on
- 30 behalf of the state department to protect or to improve the public health
- 31 in Indiana.
- 32 (b) The rules may concern but are not limited to the following:
- 33 (1) Nuisances dangerous to public health.
- 34 (2) The pollution of any water supply other than where
- 35 jurisdiction is in the environmental rules board and department
- 36 of environmental management.
- 37 (3) The disposition of excremental and sewage matter.
- 38 (4) The control of fly and mosquito breeding places.
- 39 (5) The detection, reporting, prevention, and control of diseases
- 40 that affect public health.
- 41 (6) The care of maternity and infant cases and the conduct of
- 42 maternity homes.

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- 1 (7) The production, distribution, and sale of human food.
 2 (8) Except as provided in section 4.4 of this chapter, the conduct
 3 of camps.
 4 (9) Standards of cleanliness of eating facilities for the public.
 5 (10) Standards of cleanliness of sanitary facilities offered for
 6 public use.
 7 (11) The handling, disposal, disinterment, and reburial of dead
 8 human bodies.
 9 (12) Vital statistics.
 10 (13) Sanitary conditions and facilities in public buildings and
 11 grounds, including plumbing, drainage, sewage disposal, water
 12 supply, lighting, heating, and ventilation, other than where
 13 jurisdiction is vested by law in the fire prevention and building
 14 safety commission or other state agency.
 15 (14) The design, construction, and operation of swimming and
 16 wading pools. However, the rules governing swimming and
 17 wading pools do not apply to a pool maintained by an individual
 18 for the sole use of the individual's household and house guests.
 19 **(15) Time temperature control for safety food.**
 20 (c) The executive board shall adopt reasonable rules to regulate
 21 the following:
 22 (1) The sanitary operation of tattoo parlors.
 23 (2) The sanitary operation of body piercing facilities.
 24 (d) The executive board may adopt rules on behalf of the state
 25 department for the efficient enforcement of this title, except as
 26 otherwise provided. However, fees for inspections relating to weights
 27 and measures may not be established by the rules.
 28 (e) The executive board may declare that a rule described in
 29 subsection (d) is necessary to meet an emergency and adopt the rule
 30 under IC 4-22-2.
 31 (f) The rules of the state department may not be inconsistent with
 32 this title and or any other state law.
 33 **(g) Rules adopted under subsection (b)(15) may not apply to a:**
 34 **(1) homestead vendor (as defined in IC 16-42-5.4-1); or**
 35 **(2) small farm (as defined in IC 16-42-5.4-4).**
 36 SECTION 8. IC 16-42-5-0.2 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2026]: **Sec. 0.2. A person that:**
 39 **(1) is a homestead vendor (as defined in IC 16-42-5.4-1); or**
 40 **(2) operates a small farm (as defined in IC 16-42-5.4-4);**
 41 **is exempt from the requirements of this chapter.**
 42 ~~← SECTION 9. IC 16-42-5.3 IS REPEALED [EFFECTIVE JULY 1,~~

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2026]. (Home Based Food Products):

> SECTION <+0> [9]. IC 16-42-5.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 5.4. Regulation of Community Producers

Sec. 1. As used in this chapter, "homestead vendor" means a person <-:

~~(1) > [] that prepares and sells food products <from the person's property; and~~

~~(2) from which not > [or meat products from:~~

(1) property or at a farmers market; and

(2) which the person does not receive more than one million five hundred thousand dollars (\$1,500,000) in gross sales <is received> [from food products or meat products] in a single year. []

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

(1) Cattle.

(2) Sheep.

(3) Swine.

(4) Bison.

(5) Poultry.

(6) Goats.

(7) Rabbit.

Sec. 3. As used in this chapter, "produce" means any agricultural or naturally occurring product that is:

(1) grown, cultivated, raised, or harvested for human consumption; and

(2) not prohibited by state or federal law.

Sec. [3.5. As used in this chapter, "property" means land owned or leased by a homestead vendor or the owner of a small farm that is either the homestead vendor's or the owner of a small farm's:

(1) primary residence; or

(2) agricultural property.

Sec.] 4. As used in this chapter, "small farm" means land:

(1) that is used [primarily] for growing crops or raising livestock;

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

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

- 3 (A) ~~livestock~~ [meat] products;
4 (B) cultivated or harvested crops; or
5 (C) the sale of food products;

6 in a single year.

7 Sec. 5. ~~¶~~ (a) Except as provided in subsection (b), t]he state
8 department, a local unit of government (as defined in
9 IC 14-22-31.5-1), the corporation, or a local health department
10 may not impose any rules, regulations, certifications, or licensing
11 requirements on ~~a~~:

- 12 (1) [a] homestead vendor; or
13 (2) [an owner of a] small farm;

14 that are not required under federal law. <

15 ~~—Sec. 6.>[~~

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

- 19 (1) a homestead vendor; or
20 (2) an owner of a small farm;

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

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

- 25 (1) property (as defined in section 3.5 of this chapter); or
26 (2) a farmers market;

27 directly to an end consumer.

28 (b) A homestead vendor or the owner of a small farm may sell
29 the following items ~~on the homestead or small farm's~~
30 ~~premises~~ [primarily derived from a location described in
31 subsection (a)(1) or (a)(2) directly to an end consumer]:

32 (1) Meat products:

33 (A) raised at the individual's ~~primary~~
34 ~~residence~~ [property]; and

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

37 (2) Prepared foods, including baked goods.

38 (3) Candy.

39 (4) Produce.

40 (5) Natural sweeteners.

41 (6) Fruit spreads. []

42 [] Sec. 7. (a) A homestead vendor or the owner of a small farm

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1 shall include a label for packaged homemade food products or a
 2 sign for unpackaged homemade food products that contains the
 3 following information:

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

6 (2) The address of the homestead vendor or the owner of the
 7 small farm that produced the homemade food product.

8 (3) The ingredients of the homemade food product, in
 9 descending order by predominance by weight.

10 (4) A description of the homemade food product.

11 (5) A description of allergens that might have come in
 12 contact with the homemade food product.

13 (6) The following statement in at least 10 point type: "This
 14 product was produced by a homestead vendor or the owner
 15 of a small farm that is exempt from government licensing
 16 and inspection."

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

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

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

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

31 []Sec. <8>[9].(a) A homestead vendor or the owner of a small
 32 farm who sells meat products from livestock under this chapter
 33 must keep the meat products refrigerated in a manner consistent
 34 with best food handling practices.

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

37 (1) handle;

38 (2) refrigerate;

39 (3) transport; and

40 (4) store;

41 the meat products or food products in a manner that prevents
 42 contamination or adulteration.

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1] SECTION 1 [0]. IC 22-11-17-1.5 IS ADDED TO THE
2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. A public building located on**
4 **a:**
5 [] (1) homestead vendor's (as defined in
6 IC 16-42-5.4-1); or
7 [] (2) small farm's (as defined in IC 16-42-5.4-4);
8 **property [(as defined in IC 16-42-5.4-3.5)] is exempt from this**
9 **chapter and rules adopted by the commission.**
10 SECTION [11. IC 22-12-1-4, AS AMENDED BY
11 P.L.142-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS]
12 [EFFECTIVE JULY 1, 2026] [(a) Before December 31, 2026, the
13 Indiana department of health shall amend rules affected by
14 IC 16-42-5.3, as repealed by this act, and IC 16-42-5.4, as added by
15 this act, to comply with the amendments made by this act.
16 — (b) This SECTION expires December 31, 2027.
17 >[Sec. 4. (a) "Class 1 structure" means any part of the following:
18 (1) A building or structure that is intended to be or is occupied
19 or otherwise used in any part by any of the following:
20 (A) The public.
21 (B) Three (3) or more tenants.
22 (C) One (1) or more persons who act as the employees of
23 another.
24 (2) A site improvement affecting access by persons with physical
25 disabilities to a building or structure described in subdivision
26 (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.
39 (c) Subsection (a)(1) does not include a building or structure that
40 (†) is intended to be or is used only for an agricultural purpose
41 on the land where it is located. **and A building or structure**
42 **under this subsection includes a stand or another retail**

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building used primarily for the sale of goods or other items on property (as defined in IC 16-42-5.4-3.5).

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

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

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

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

(1) the structure; or

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

SECTION 12. IC 22-13-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2026]: Sec. 16. (a) The following apply to a building, a structure, a stand, or another retail building under IC 22-12-1-4(c) used primarily for the sale of goods or other items on property (as defined in IC 16-42-5.4-3.5):

(1) This section does not:

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

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

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

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

(A) a new or modified septic construction permit issued by the local health department; or

(B) written verification from the local health department that the existing onsite sewage system has sufficient capacity to serve the building, structure, or stand.

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- (3) Compliance with this subsection does not require:
- (A) classification as a Class 1 structure;
- (B) a design release;
- (C) plan review;
- (D) a building permit; or
- (E) a certificate of occupancy under this article.

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