SENATE BILL No. 179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-42.

Synopsis: Various agricultural matters. Allows poultry farms to slaughter and process up to a certain number of poultry annually without inspection under federal regulations. Provides that a local unit of government may not by ordinance or resolution require licensure, certification, or inspection for food or food products of an individual vendor, farmer, or bona fide egg producer who meets certain requirements. Provides that a farmer or bona fide egg producer with an annual egg production from a flock of 3,000 hens or fewer: (1) is not required to have a farmers market retail permit to sell eggs at a farmers market; and (2) may sell eggs to a restaurant or grocery store in Indiana if the eggs meet U.S. Consumer Grade B standards.

Effective: July 1, 2014.

Banks, Yoder

January 8, 2014, read first time and referred to Committee on Agriculture and Natural Resources.

Introduced

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 179

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 16-42-5-29, AS AMENDED BY P.L.128-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) This section applies to an individual vendor of a farmer's market or roadside stand.

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

~~(b)~~ **(c)** An individual vendor of a farmer's market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:

(1) is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual;

(2) is not a potentially hazardous food product;

(3) is prepared by an individual who practices proper sanitary

procedures, including:

(A) proper hand washing;

(B) sanitation of the container or other packaging in which the food product is contained; and

(C) safe storage of the food product;

(4) is not resold; and

(5) includes a label that contains the following information:

(A) The name and address of the producer of the food product.

(B) The common or usual name of the food product.

(C) The ingredients of the food product, in descending order by predominance by weight.

(D) The net weight and volume of the food product by standard measure or numerical count.

(E) The date on which the food product was processed.

(F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health.".

~~(c)~~ **(d)** An individual vendor who meets the requirements in subsection ~~(b)~~ **(c)** is subject to food sampling and inspection if:

(1) the state department determines that the individual vendor's food product is:

(A) misbranded under IC 16-42-2-3; or

(B) adulterated; or

(2) a consumer complaint has been received by the state department.

~~(d)~~ **(e)** If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

~~(e)~~ **(f)** For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

~~(f)~~ **(g)** The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection ~~(b).~~ **(c).** The guidelines may include:

(1) standards for best safe food handling practices;
(2) disease control measures; and
(3) standards for potable water sources.

~~(g)~~ **(h)** The department shall adopt rules that:

(1) ~~incorporate by reference 9 CFR 381.10(c) allowing poultry products slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand;~~ **exclude slaughtering and processing of poultry on a farm for the purpose of conducting limited sales under 9 CFR 381.10, as adopted by reference in 345 IAC 10-2.1-1, from the definition of food establishment if the slaughtered and processed poultry or poultry product is sold only on a farm, at a farmer's market, through delivery, or at a roadside stand;**

(2) require that poultry processed under this section be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;

(3) allow rabbits to be slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand; and

(4) require that rabbits processed under this section be frozen at the point of sale.

(i) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer.

SECTION 2. IC 16-42-11-9.5, AS ADDED BY P.L.28-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9.5. **(a)** A farmer or bona fide egg producer who markets directly to the consumer at a location that is not the farmer's or producer's own premises and is recognized as a farmers market may **not** be required to have a farmers market retail permit issued by the state egg board. ~~The state egg board shall establish requirements and procedures for obtaining a farmers market retail permit by rule under IC 4-22-2.~~

(b) This subsection applies only to farmers and bona fide egg producers with an annual egg production from a flock of three thousand (3,000) hens or fewer. Notwithstanding any other law, a farmer or bona fide egg producer may sell eggs to a restaurant or grocery store in Indiana if the eggs meet U.S. Consumer Grade B

standards. Eggs sold under this section are exempt from grading.

(c) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of a farmer or bona fide egg producer acting under this section.