

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1210

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 7.1-5-12-5, AS AMENDED BY P.L.231-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

- (1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.
- (2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:
 - (A) owned or leased by the owner of the riverboat; and
 - (B) located on land that is adjacent to:
 - (i) the dock to which the riverboat is moored; or
 - (ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).
- (3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.
- (4) A satellite facility licensed under IC 4-31-5.5.
- (5) An establishment owned or leased by a business that meets the following requirements:
 - (A) The business was in business and permitted smoking on

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- (B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.
 - (C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.
 - (D) The business limits smoking in the establishment to smoking with a waterpipe or hookah device.
 - (E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of loose tobacco for use in a waterpipe or hookah device.
 - (F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.
- (6) An establishment owned or leased by a business that meets the following requirements:
- (A) The business prohibits entry by an individual who is less than twenty-one (21) years of age.
 - (B) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.
 - (C) The business limits smoking in the establishment to cigar smoking.
 - (D) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.
 - (E) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.
- (7) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:
- (A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).
 - (B) The business:
 - (i) meets the requirements to be considered a club under IC 7.1-3-20-1; or
 - (ii) is a fraternal club (as defined in IC 7.1-3-20-7).
 - (C) The business provides food or alcoholic beverages only to its bona fide members and their guests.
 - (D) The business:
 - (i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;
 - (ii) allows smoking only in the room or area described in



item (i);

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i); and

(iv) allows a guest in the smoking room or area described in item (i) only when accompanied by a bona fide member of the business.

(8) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store holds a valid tobacco sales certificate issued under IC 7.1-3-18.5.

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold in a manner that requires consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(9) A bar or tavern:

(A) for which a permittee holds:

(i) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(i) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern; and

(D) that is not located in a business that would otherwise be subject to this chapter.

(10) A cigar manufacturing facility that does not offer retail sales.

(11) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store holds a valid tobacco sales certificate issued under IC 7.1-3-18.5.

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.



(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.

(H) The store does not prepare any food or beverage that would require a certified food ~~handler~~ **protection manager** under IC 16-42-5.2.

(12) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(11):

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises.

SECTION 2. IC 16-18-2-51.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 51.5. "Certified food ~~handler~~", **protection manager**", for purposes of IC 16-42-5.2, has the meaning set forth in IC 16-42-5.2-4.



SECTION 3. IC 16-18-2-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 52. (a) "Certificate" or "certification", for purposes of IC 16-31, means authorization in written form issued by the Indiana emergency medical services commission to a person to furnish, operate, conduct, maintain, advertise, or otherwise engage in providing emergency medical services as a part of a regular course of doing business, either paid or voluntary.

(b) "Certificate", for purposes of IC 16-42-5.2, has the meaning set forth in IC 16-42-5.2-4.5.

SECTION 4. IC 16-18-2-138.3 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 138.3: "Food handler", for purposes of IC 16-42-5.2, has the meaning set forth in IC 16-42-5.2-5.~~

SECTION 5. IC 16-27-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The state health commissioner may take one (1) or more of the following actions on any ground listed in subsection (b):

- (1) Issue a letter of correction.
- (2) Issue a probationary license.
- (3) Conduct a resurvey.
- (4) Deny renewal of a license.
- (5) Revoke a license.
- (6) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).

(b) The state health commissioner may take action under subsection (a) on any of the following grounds:

- (1) Violation of any of the provisions of this chapter or rules adopted under this chapter.
- (2) Permitting, aiding, or abetting the commission of an illegal act in a home health agency.
- (3) Conduct or practice found by the state department to be detrimental to the welfare of the patients of the home health care agency.

(c) A person who intentionally:

- (1) prevents, interferes with, or attempts to impede the work of an employee of the state department in the investigation and enforcement of any provision of this article or rule adopted under this article;**
- (2) prevents or attempts to prevent an employee of the state department from examining any relevant records in the conduct of official duties under this article or rule adopted under this article;**
- (3) prevents or interferes with an employee of the state**



department in preserving evidence of the breach of any provision of this article or rules adopted by the state department;

(4) retaliates or discriminates against a patient, health care representative, power of attorney, employee, agency staff member, or any other person for:

(A) contacting or providing information to any state official; or

(B) initiating, participating in, or testifying in an action under this article or rules adopted by the state department; or

(5) fails to correct or interferes with the correction process within the correction period specified on the citation or approved plan of correction, unless an extension is granted by the director and the corrections are made before expiration of the extension;

commits a Class C misdemeanor.

~~(c)~~ (d) In addition to the criminal provisions for violations described in this section, the commissioner may commence an action under IC 4-21.5 applies to an action under this section: for issuance of an order of compliance and assess a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

SECTION 6. IC 16-38-5-1, AS AMENDED BY P.L.191-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The state department shall maintain an immunization data registry to collect, store, analyze, release, and report immunization data.

(b) Except as provided in subsection (c), data in the immunization data registry may be used only for the following purposes:

(1) To assure that necessary immunizations are provided and overimmunization is avoided.

(2) To assess immunization coverage rates.

(3) To determine areas of underimmunization and other epidemiological research for disease control purposes.

(4) To document that required immunizations have been provided as required for school or child care admission.

(5) To accomplish other public health purposes as determined by the state department.

(c) The immunization data registry may be used to store and release other nonimmunization personal health information maintained by the state department, including blood lead screening and newborn screening information, so providers and the



individual may access the health information. However, section 3 of this chapter does not apply to the release of nonimmunization personal health information. Nonimmunization personal health information may be released only in accordance with state and federal laws concerning that personal health information.

(c) (d) The state department may adopt rules under IC 4-22-2 concerning who may input and retrieve information from the immunization data registry.

SECTION 7. IC 16-39-1-3, AS AMENDED BY P.L.240-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) Health records may be requested by a competent patient if the patient is:

- (1) emancipated and less than eighteen (18) years of age; or
- (2) at least eighteen (18) years of age.

(b) If a patient is incompetent, the request for health records may be made by the parent, guardian, or custodian of the patient.

(c) Health records of a deceased patient may be requested:

- (1) by a coroner under IC 36-2-14-21 or by the personal representative of the patient's estate;
- (2) if the estate of the deceased patient does not have a personal representative, by the spouse of the deceased patient;
- (3) if the deceased patient does not have a surviving spouse and the deceased patient's estate does not have a personal representative, by:
 - (A) a child of the deceased patient; or
 - (B) the parent, guardian, or custodian of the child of the deceased patient if the child of the deceased patient is incompetent; ~~or~~

(4) if the deceased patient was an incapacitated person for whom a guardian had been appointed under IC 29-3 or the law of another state, by the guardian of the deceased patient, except as provided in subsection (d); ~~or~~

(5) if the deceased patient does not have a surviving spouse or child, and the deceased patient's estate does not have a personal representative, by any responsible member of the family.

(d) If:

- (1) the deceased patient was an incapacitated person subject to a guardianship at the time of the patient's death; and
- (2) a personal representative of the estate of the deceased patient is appointed under IC 29-1-7;

the guardian of the deceased patient may not request health records of



the deceased patient under subsection (c)(4).

SECTION 8. IC 16-39-2-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]:

Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

- (1) To individuals who meet the following conditions:
 - (A) Are employed by:
 - (i) the provider at the same facility or agency;
 - (ii) a managed care provider (as defined in IC 12-7-2-127);
 - or
 - (iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.
 - (B) Are involved in the planning, provision, and monitoring of services.
- (2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.
- (3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.
- (4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability and rehabilitative services, ~~or~~ the rules of the provider, **or the rules of the Indiana archives and records administration and the oversight committee on public records.**
- (5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127) who are operating under a contract with the division of mental health and addiction.
- (6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.
- (7) To a law enforcement agency if any of the following conditions are met:
 - (A) A patient escapes from a facility to which the patient is committed under IC 12-26.
 - (B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.
 - (C) A patient commits or threatens to commit a crime on



facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

- (i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and
- (ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of the patient.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

- (A) IC 12-10-3-10.
- (B) IC 12-24-17-5.
- (C) IC 16-41-2-3.
- (D) IC 31-25-3-2.
- (E) IC 31-33-5-4.
- (F) IC 34-30-16-2.
- (G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

- (A) IC 12-24-11-2.
- (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
- (C) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

- (A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).
- (B) The request relates to the United States Secret Service's



protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

- (i) the patient's name, age, and address;
- (ii) the date of the patient's admission to or discharge from the facility; and
- (iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) If a licensed mental health professional or licensed paramedic, in the course of rendering a treatment intervention, determines that a patient may be a harm to himself or herself or others, the licensed mental health professional or licensed paramedic may request a patient's individualized **mental health** safety plan from a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider. Each psychiatric crisis center, psychiatric inpatient unit, and psychiatric residential treatment provider shall, upon request and without the consent of the patient, share a patient's individualized mental health safety plan that is in the standard format established by the division of mental health and addiction under IC 12-21-5-6 ~~to~~ **with** the following individuals who demonstrate proof of licensure and commit to protecting the information in compliance with state and federal privacy laws:

- (1) A licensed mental health professional.
- (2) A licensed paramedic.

An individualized mental health safety plan disclosed under this subsection may be used only to support a patient's welfare and safety and is considered otherwise confidential information under applicable state and federal laws.

(c) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in



consultation with a licensed mental health professional on the staff of the United States Secret Service.

(d) A person who discloses information under subsection (a)(7), (a)(15), or ~~subsection (b)~~ in good faith is immune from civil and criminal liability.

SECTION 9. IC 16-39-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) As used in this section, "association" refers to an Indiana hospital trade association founded in 1921.

(b) As used in this section, "data aggregation" means a combination of information obtained from the health records of a provider with information obtained from the health records of one (1) or more other providers to permit data analysis that relates to the health care operations of the providers.

(c) Except as provided in IC 16-39-4-5, the original health record of the patient is the property of the provider and as such may be used by the provider without specific written authorization for legitimate business purposes, including the following:

- (1) Submission of claims for payment from third parties.
- (2) Collection of accounts.
- (3) Litigation defense.
- (4) Quality assurance.
- (5) Peer review.
- (6) Scientific, statistical, and educational purposes.

(d) In use under subsection (c), the provider shall at all times protect the confidentiality of the health record and may disclose the identity of the patient only when disclosure is essential to the provider's business use or to quality assurance and peer review.

(e) A provider **or the Indiana archives and records administration** may disclose a health record to another provider or to a nonprofit ~~medical~~ research organization to be used in connection with a ~~joint~~ scientific, statistical, or educational project. Each party that receives information from a health record in connection with the joint project shall protect the confidentiality of the health record and may not disclose the patient's identity except as allowed under this article.

(f) A provider may disclose a health record or information obtained from a health record to the association for use in connection with a data aggregation project undertaken by the association. However, the provider may disclose the identity of a patient to the association only when the disclosure is essential to the project. The association may disclose the information it receives from a provider under this subsection to the state department to be used in connection with a



public health activity or data aggregation of inpatient and outpatient discharge information submitted under IC 16-21-6-6. The information disclosed by:

- (1) a provider to the association; or
- (2) the association to the state department;

under this subsection is confidential.

(g) Information contained in final results obtained by the state department for a public health activity that:

- (1) is based on information disclosed under subsection (f); and
- (2) identifies or could be used to determine the identity of a patient;

is confidential. All other information contained in the final results is not confidential.

(h) Information that is:

- (1) advisory or deliberative material of a speculative nature; or
- (2) an expression of opinion;

including preliminary reports produced in connection with a public health activity using information disclosed under subsection (f), is confidential and may only be disclosed by the state department to the association and to the provider who disclosed the information to the association.

(i) The association shall, upon the request of a provider that contracts with the association to perform data aggregation, make available information contained in the final results of data aggregation activities performed by the association in compliance with subsection (f).

(j) A person who recklessly violates or fails to comply with subsections (e) through (h) commits a Class C infraction. Each day a violation continues constitutes a separate offense.

(k) This chapter does not do any of the following:

- (1) Repeal, modify, or amend any statute requiring or authorizing the disclosure of information about any person.
- (2) Prevent disclosure or confirmation of information about patients involved in incidents that are reported or required to be reported to governmental agencies and not required to be kept confidential by the governmental agencies.

SECTION 10. IC 16-42-5.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. Except as provided in this chapter, a corporation or local health department may not impose any registration, certification, or licensing requirements on food handling or **certified food handlers: protection managers.**

SECTION 11. IC 16-42-5.2-2, AS AMENDED BY P.L.139-2005,

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SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) **Except as provided in subsection (b);** This chapter does not apply to a food establishment when the food establishment's food handling activities **do not include the cooking of raw food of an animal origin or** are limited solely to one (1) or more of the following:

- (1) Heating or serving precooked foods.
- (2) Preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal.
- (3) Preparing or serving ~~nonalcoholic or alcoholic beverages that are not potentially hazardous beverages~~ or ice.
- (4) Preparing or serving packaged or unpackaged **low hazard** foods, ~~that are not potentially hazardous foods;~~ including elephant ears, funnel cakes, cotton candy, confectionaries, baked goods, popcorn, and chips and grinding coffee beans.
- (5) Providing prepackaged food in its original package.

(b) ~~This subsection does not apply to a pharmacy that is a food establishment that provides only prepackaged food products for sale. A food establishment that has more than ten thousand (10,000) square feet in total retail sales space at the food establishment location must comply with this chapter.~~

SECTION 12. IC 16-42-5.2-3.5, AS ADDED BY P.L.139-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) is exempt from complying with the requirements of this chapter.

(b) This section does not prohibit an exempted organization from waiving the exemption and using a certified food ~~handler:~~ **protection manager.**

SECTION 13. IC 16-42-5.2-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.7. As used in this chapter, "certificate" means a certificate, letter, or other document that verifies that the individual has passed an accreditation examination given by an accredited testing service recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the state department of health.**

SECTION 14. IC 16-42-5.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "certified food ~~handler"~~ **protection manager"** means a food



handler who holds a certificate. ~~described in section 7 of this chapter.~~

SECTION 15. IC 16-42-5.2-5 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 5: As used in this chapter, "food handler" means an individual who:~~

~~(1) is an owner, an operator, a manager, or an employee of a food establishment; and~~

~~(2) is responsible for or oversees the storage, preparation, display, or serving of food to the public.~~

SECTION 16. IC 16-42-5.2-6 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 6: After December 31, 2004, at least one (1) food handler at a food establishment must be a certified food handler.~~

SECTION 17. IC 16-42-5.2-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 7: A food handler who holds a certificate recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the state department of health meets the food borne illness prevention training requirements established by the state department of health.~~

SECTION 18. IC 16-42-5.2-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7.1. (a) A certified food protection manager must do the following:**

(1) Provide the food establishment where the certified food protection manager is employed with a copy of the individual's certificate and photo identification card.

(2) Obtain a valid certificate every five (5) years.

(b) An individual may not work as a certified food protection manager with an expired certificate.

SECTION 19. IC 16-42-5.2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7.5. An individual may not use the title "certified food protection manager" or indicate that the individual is a certified food protection manager unless the individual holds a valid certificate.**

SECTION 20. IC 16-42-5.2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: ~~Sec. 8. (a) After December 31, 2004, A food establishment must have at least one (1) certified food handler~~ **protection manager** responsible for all periods of the food establishment's operation. However, a certified food ~~handler~~ **protection manager** need not be present at the food establishment during all hours of operation.

(b) Notwithstanding subsection (a), if the state department and food establishment enter into a variance concerning requirements



for the operation of the food establishment, a certified food protection manager may be required to be present at the food establishment during all hours of operation if agreed upon in the variance.

SECTION 21. IC 16-42-5.2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 8.5. A food establishment must do the following:**

- (1) Provide the name and copies of the certificate and photo identification card for the certified food protection manager to an inspector from a governmental regulatory authority.**
- (2) Remove the certificate from the food establishment when the certified food protection manager terminates employment with the food establishment.**

SECTION 22. IC 16-42-5.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: ~~Sec. 9. After December 31, 2004,~~ A food establishment that begins operation or changes ownership shall comply with section 8 of this chapter not later than six (6) months after beginning operation or changing ownership.

SECTION 23. IC 16-42-5.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: ~~Sec. 10. After December 31, 2004,~~ If a food establishment does not have a certified food ~~handler~~ **protection manager** because a certified food ~~handler~~ **protection manager** terminates employment with the food establishment, the owner or operator of the food establishment shall comply with section 8 of this chapter not later than three (3) months after the termination date of the previous certified food ~~handler~~ **protection manager**.

SECTION 24. IC 16-42-5.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: ~~Sec. 11. After December 31, 2004,~~ If more than one (1) food establishment operated by the same individual is located on the same property or on contiguous properties, only one (1) certified food ~~handler~~ **protection manager** is required for the food establishments.

SECTION 25. IC 16-42-5.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: ~~Sec. 12. (a) After December 31, 2004,~~ An individual who violates any of the provisions of this chapter **before July 1, 2020**, is subject to the penalties prescribed by the executive board under section 13 of this chapter. **This subsection expires January 1, 2021.**

(b) After June 30, 2020, a person that violates section 7.1(b) of this chapter is subject to a civil penalty not to exceed fifty dollars (\$50) per day per violation.



(c) After June 30, 2020, a person that violates section 7.1(a)(1), 7.5, 8, 8.5, 9, or 10 of this chapter is subject to a civil penalty not to exceed one hundred dollars (\$100) per day per violation.

SECTION 26. IC 16-42-5.2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. ~~Not later than December 31, 2003,~~ The executive board ~~shall~~ **may** adopt rules under IC 4-22-2 establishing standards for:

- (1) the administration of this chapter; and
- (2) the imposition of penalties for violations of this chapter.

SECTION 27. IC 16-42-5.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. This chapter does not limit the authority of a corporation or local health department to ~~license~~ **require a permit for** retail food establishments.

SECTION 28. IC 16-42-5.2-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 16. (a) Except for an individual whose certification expires on July 1, 2020, an individual who was a certified food handler on June 30, 2020, is considered a certified food protection manager on July 1, 2020.**

(b) This section expires June 30, 2021.

SECTION 29. IC 35-52-16-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9.7. IC 16-27-1-12 defines a crime concerning home health agencies.**

SECTION 30. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1210 — Concur

