

HOUSE BILL No. 1562

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-42; IC 22-11-17-1.5.

Synopsis: Farm and home based food sales. Repeals current home based vendor regulations. Provides that the Indiana department of health, a local unit of government, the health and hospital corporation of Marion County, or a local health department may not impose any rules, regulations, certifications, or licensing requirements on a small farm or home based vendor that are not required under federal law. Exempts public buildings used by small farms and home based vendors from certain public building regulations.

Effective: July 1, 2025.

Smith H, Greene, Culp, Lindauer

January 21, 2025, read first time and referred to Committee on Public Health.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1562

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 16-18-2-80 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 80. "Corporation", for
3 purposes of IC 16-22-8, IC 16-42-5, ~~and~~ IC 16-42-5.2, ~~and~~
4 **IC 16-42-5.4**, means the health and hospital corporation created under
5 IC 16-22-8.

6 SECTION 2. IC 16-18-2-137, AS AMENDED BY P.L.49-2022,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2025]: Sec. 137. (a) "Food establishment", for purposes of
9 IC 16-42-5 ~~and~~ IC 16-42-5.2, ~~and~~ ~~IC 16-42-5.3~~; means any building,
10 room, basement, vehicle of transportation, cellar, or open or enclosed
11 area occupied or used for handling food.

12 (b) The term does not include the following:
13 (1) A dwelling where food is prepared on the premises by the
14 occupants, free of charge, for their consumption or for
15 consumption by their guests.
16 (2) A gathering of individuals at a venue of an organization that
17 is organized for educational purposes in a nonpublic educational



- 1 setting or for religious purposes, if:
- 2 (A) the individuals separately or jointly provide or prepare,
- 3 free of charge, and consume their own food or that of others
- 4 attending the gathering; and
- 5 (B) the gathering is for a purpose of the organization.
- 6 Gatherings for the purpose of the organization include funerals,
- 7 wedding receptions, christenings, bar or bat mitzvahs, baptisms,
- 8 communions, and other events or celebrations sponsored by the
- 9 organization.
- 10 (3) A vehicle used to transport food solely for distribution to the
- 11 needy, either free of charge or for a nominal donation.
- 12 (4) A private gathering of individuals who separately or jointly
- 13 provide or prepare and consume their own food or that of others
- 14 attending the gathering, regardless of whether the gathering is
- 15 held on public or private property.
- 16 (5) Except for food prepared by a for-profit entity, a venue of the
- 17 sale of food prepared for an organization:
- 18 (A) that is organized for:
- 19 (i) religious purposes; or
- 20 (ii) educational purposes in a nonpublic educational setting;
- 21 (B) that is exempt from taxation under Section 501 of the
- 22 Internal Revenue Code; and
- 23 (C) that offers the food for sale to the final consumer at an
- 24 event held for the benefit of the organization;
- 25 unless the food is being provided in a restaurant or a cafeteria
- 26 with an extensive menu of prepared foods.
- 27 (6) Except for food prepared by a for-profit entity, an Indiana
- 28 nonprofit organization that:
- 29 (A) is organized for civic, fraternal, veterans, or charitable
- 30 purposes;
- 31 (B) is exempt from taxation under Section 501 of the Internal
- 32 Revenue Code; and
- 33 (C) offers food for sale to the final consumer at an event held
- 34 for the benefit of the organization;
- 35 if the events conducted by the organization take place for not
- 36 more than fifteen (15) days in a calendar year.
- 37 (7) The holder of a farm winery permit under IC 7.1-3-12-5 or a
- 38 brewer's permit under IC 7.1-3-2-7(5) if the requirements of
- 39 IC 16-42-5-30 are met.
- 40 (8) A home based vendor ~~or an individual vendor who sells a food~~
- 41 ~~product under IC 16-42-5-3.~~ **(as defined in IC 16-42-5.4-1).**
- 42 **(9) A small farm (as defined in IC 16-42-5.4-2).**



1 SECTION 3. IC 16-18-2-172.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2025]: **Sec. 172.5. "Home based vendor", for**
 4 **purposes of IC 16-42-5.4, has the meaning set forth in**
 5 **IC 16-42-5.4-1.**

6 SECTION 4. IC 16-18-2-331.7 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2025]: **Sec. 331.7. "Small farm", for**
 9 **purposes of IC 16-42-5.4, has the meaning set forth in**
 10 **IC 16-42-5.4-2.**

11 SECTION 5. IC 16-18-2-351.7 IS REPEALED [EFFECTIVE JULY
 12 1, 2025]. **Sec. 351.7. (a) "Time temperature control for safety food", for**
 13 **purposes of IC 16-42-5.3; means a food that requires time or**
 14 **temperature control to safely limit the:**

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

17 (b) The term includes the following:

- 18 (1) A food of animal origin that is raw or heat treated.
- 19 (2) A food of plant origin that is heat treated or consists of any of
- 20 the following:
 - 21 (A) Raw seed sprouts.
 - 22 (B) Cut melons.
 - 23 (C) Cut leafy greens.
 - 24 (D) Cut tomatoes or mixtures of cut tomatoes that are not
 - 25 modified in a way that results in mixtures that do not support
 - 26 the growth or formation described in subsection (a).
 - 27 (E) Garlic-in-oil mixtures that are not modified in a way that
 - 28 results in mixtures that do not support the growth or formation
 - 29 described in subsection (a).

30 (3) Except as specified in subsection (c)(4) and (c)(5), a food that
 31 involves an interaction of pH and Aw for control of spores in food
 32 that is heat treated to destroy vegetative cells and subsequently
 33 packaged that results in:

- 34 (A) an Aw value greater than 0.92 but less than or equal to
- 35 0.95 and a pH value greater than 5.6; or
- 36 (B) an Aw value greater than 0.95 and a pH value greater than
- 37 4.6.

38 (4) Except as specified in subsection (c)(4) and (c)(5), a food that
 39 involves an interaction of pH and Aw for control of vegetative
 40 cells and spores in food that is not heat treated; or is heat treated
 41 but not packaged; and that results in:

- 42 (A) an Aw value greater than or equal to 0.88 but less than or



- 1 equal to 0.90 and a pH value greater than 5.0;
- 2 (B) an Aw value greater than 0.90 but less than or equal to
- 3 0.92 and a pH value greater than 4.6; or
- 4 (C) an Aw value greater than 0.92 and a pH value greater than
- 5 or equal to 4.2.
- 6 (e) The term does not include the following:
- 7 (1) An air-cooled hard-boiled egg with shell intact.
- 8 (2) An egg with shell intact that:
- 9 (A) is not hard-boiled; and
- 10 (B) has been pasteurized to destroy all viable salmonellae.
- 11 (3) A food in an unopened hermetically sealed container that is
- 12 commercially processed to achieve and maintain commercial
- 13 sterility under conditions of nonrefrigerated storage and
- 14 distribution.
- 15 (4) Except as specified in subsection (b)(1) or (b)(2); a food that
- 16 does not meet the requirements described in subsection (b)(3) or
- 17 (b)(4) due to the:
- 18 (A) pH or Aw value; or
- 19 (B) interaction of Aw and pH values;
- 20 of the food.
- 21 (5) A food that meets the requirements of subsection (b)(3) or
- 22 (b)(4) and has undergone a product assessment showing that the
- 23 growth or toxin formation of pathogenic microorganisms that are
- 24 reasonably likely to occur in the food is precluded due to:
- 25 (A) intrinsic factors, including added or natural characteristics
- 26 of the food (such as preservatives, antimicrobials, humectants,
- 27 acidulants, or nutrients);
- 28 (B) extrinsic factors, including environmental or operational
- 29 factors that affect the food (such as packaging); modified
- 30 atmosphere (such as reduced oxygen packaging); shelf life and
- 31 use; or temperature range of storage and use; or
- 32 (C) any combination of intrinsic and extrinsic factors
- 33 described in clause (A) or (B).
- 34 (6) A food that does not support the growth or toxin formation of
- 35 pathogenic microorganisms in accordance with subdivisions (1)
- 36 through (4) even though the food may contain a pathogenic
- 37 microorganism or chemical or physical contaminant at a level
- 38 sufficient to cause illness or injury.
- 39 SECTION 6. IC 16-42-5-0.2 IS ADDED TO THE INDIANA CODE
- 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 41 1, 2025]: **Sec. 0.2. A person that:**
- 42 (1) is a home based vendor (as defined in IC 16-42-5.4-1); or



1 **(2) operates a small farm (as defined in IC 16-42-5.4-2);**
 2 **is exempt from the requirements of this chapter.**

3 SECTION 7. IC 16-42-5.3 IS REPEALED [EFFECTIVE JULY 1,
 4 2025]. (Home Based Food Products).

5 SECTION 8. IC 16-42-5.4 IS ADDED TO THE INDIANA CODE
 6 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2025]:

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

9 **Sec. 1. As used in this chapter, "home based vendor" means a**
 10 **person:**

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

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

16 **Sec. 2. As used in this chapter, "small farm" means land:**

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

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

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

21 **(A) livestock products;**

22 **(B) cultivated or harvested crops; or**

23 **(C) the sale of food products;**

24 **in a single year.**

25 **Sec. 3. The state department, a local unit of government (as**
 26 **defined in IC 14-22-31.5-1), the corporation, or a local health**
 27 **department may not impose any rules, regulations, certifications,**
 28 **or licensing requirements on a:**

29 **(1) small farm; or**

30 **(2) home based vendor;**

31 **that are not required under federal law.**

32 SECTION 9. IC 22-11-17-1.5 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2025]: **Sec. 1.5. A public building used by a:**

35 **(1) home based vendor (as defined in IC 16-42-5.4-1); or**

36 **(2) small farm (as defined in IC 16-42-5.4-2);**

37 **is exempt from this chapter and rules adopted by the commission.**

38 SECTION 10. [EFFECTIVE JULY 1, 2025] **(a) Before December**
 39 **31, 2025, the Indiana department of health shall amend rules**
 40 **impacted by IC 16-42-5.4, as added by this act, to comply with that**
 41 **chapter.**

42 **(b) This SECTION expires December 31, 2026.**

