



Reprinted  
February 18, 2025

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## HOUSE BILL No. 1602

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DIGEST OF HB 1602 (Updated February 17, 2025 4:56 pm - DI 150)

**Citations Affected:** IC 16-18; IC 16-20; IC 16-42.

**Synopsis:** Various food matters. Provides that a recipient may appeal to the legislative body an enforcement action issued or taken by a local health officer under IC 16-20-1 in response to a food establishment inspection. Adds provisions concerning limited meat product sales. Prohibits a grocery store from selling, offering for sale, or distributing an alternative meat product misbranded as a meat product. Requires a food manufacturer to label alternative meat products as "THIS IS AN IMITATION MEAT PRODUCT".

**Effective:** July 1, 2025.

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### Culp, Smith H, Bartels

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January 21, 2025, read first time and referred to Committee on Agriculture and Rural Development.

February 6, 2025, amended, reported — Do Pass. Referred to Committee on Courts and Criminal Code pursuant to Rule 126.3.

February 13, 2025, amended, reported — Do Pass.

February 17, 2025, read second time, amended, ordered engrossed.

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HB 1602—LS 7558/DI 150





Reprinted  
February 18, 2025

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. 1602

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

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

1 SECTION 1. IC 16-18-2-12.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2025]: **Sec. 12.5. "Alternative meat product",**  
4 **for purposes of IC 16-42-5.5, means a food product having one (1)**  
5 **or more sensory attributes that resemble a type of tissue found in**  
6 **an animal but is derived from manufacturing:**

7 (1) **plant protein; or**

8 (2) **insect protein.**

9 SECTION 2. IC 16-18-2-137, AS AMENDED BY P.L.49-2022,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2025]: Sec. 137. (a) "Food establishment", for purposes of  
12 IC 16-42-5, IC 16-42-5.2, ~~and~~ IC 16-42-5.3, **IC 16-42-5.4, and**  
13 **IC 16-42-5.5**, means any building, room, basement, vehicle of  
14 transportation, cellar, or open or enclosed area occupied or used for  
15 handling food.

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

17 (1) A dwelling where food is prepared on the premises by the

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



- 1 IC 16-42-5-30 are met.  
 2 (8) A home based vendor or an individual vendor who sells a food  
 3 product under IC 16-42-5.3.
- 4 SECTION 3. IC 16-18-2-138.6 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2025]: **Sec. 138.6. "Food manufacturer", for**  
 7 **purposes of IC 16-42-5.5, means a person who:**  
 8 (1) produces food products for sale to the public; and  
 9 (2) is located in Indiana.
- 10 SECTION 4. IC 16-18-2-153.9 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2025]: **Sec. 153.9. "Grocery store", for**  
 13 **purposes of IC 16-42-5.5, means a store or part of a store that is**  
 14 **known generally as:**  
 15 (1) a supermarket, grocery store, or delicatessen and is  
 16 engaged in the retail sale of a general food line, which may  
 17 include:  
 18 (A) canned and frozen foods;  
 19 (B) fresh fruits and vegetables; and  
 20 (C) fresh and prepared meats, fish, and poultry;  
 21 (2) a convenience store, food mart, or gas station and is  
 22 engaged in:  
 23 (A) the retail sale of a line of goods that may include milk,  
 24 bread, soda, and snacks; or  
 25 (B) the retail sale of automotive fuels and the retail sale of  
 26 a line of goods that may include milk, bread, soda, and  
 27 snacks; or  
 28 (3) a warehouse club, superstore, supercenter, or general  
 29 merchandise store and is engaged in the retail sale of a  
 30 general line of groceries or gourmet foods in combination  
 31 with general lines of new merchandise, which may include  
 32 apparel, furniture, and appliances.  
 33 The term includes a vending machine (as defined in  
 34 IC 16-42-5-32(c)).
- 35 SECTION 5. IC 16-18-2-190.4 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2025]: **Sec. 190.4. "Insect protein", for**  
 38 **purposes of this chapter, means a protein:**  
 39 (1) that is naturally derived from the processing of:  
 40 (A) whole insects; or  
 41 (B) parts of insects; and  
 42 (2) intended for human consumption.



1 SECTION 6. IC 16-18-2-239.3, AS ADDED BY P.L.151-2024,  
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2025]: Sec. 239.3. "Mobile retail food establishment", for  
 4 purposes of IC 16-42-5.1 **and IC 16-42-5.5**, has the meaning set forth  
 5 in IC 16-42-5.1-2.

6 SECTION 7. IC 16-18-2-282.5 IS ADDED TO THE INDIANA  
 7 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2025]: **Sec. 282.5. "Plant protein", for**  
 9 **purposes of this chapter, means a protein:**

10 (1) **that is naturally derived from plant sources; and**

11 (2) **intended for human consumption.**

12 SECTION 8. IC 16-20-5.7 IS ADDED TO THE INDIANA CODE  
 13 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2025]:

15 **Chapter 5.7. Appeal of Local Health Enforcement Actions for**  
 16 **Food Establishments**

17 **Sec. 1. As used in this chapter, "food establishment" has the**  
 18 **meaning set forth in IC 16-18-2-137.**

19 **Sec. 2. As used in this chapter, "legislative body" means the**  
 20 **following:**

21 (1) **Except as provided in subdivision (2):**

22 (A) **the board of county commissioners, for a county that**  
 23 **operates a local board of health under IC 16-20-2; or**

24 (B) **the board of county commissioners in the county where**  
 25 **the person or property that is the subject of the**  
 26 **enforcement action is located, if the county participates in**  
 27 **a multiple county health department under IC 16-20-3.**

28 (2) **The county council for a county that is subject to**  
 29 **IC 36-2-3.5.**

30 (3) **The common council for a city (as defined in IC 36-1-2-3)**  
 31 **that operates a city health department under IC 16-20-4.**

32 **Sec. 3. (a) A recipient may appeal an enforcement action issued**  
 33 **by a local health officer or local health board under IC 16-20-1 in**  
 34 **response to a food establishment inspection to the legislative body**  
 35 **in a manner prescribed by the legislative body.**

36 (b) **In order to make an appeal under this chapter, the recipient**  
 37 **of the enforcement action must file the appeal with the legislative**  
 38 **body not later than seven (7) days after the issuance of the**  
 39 **enforcement action. Upon the proper filing of an appeal under this**  
 40 **section by a recipient, the legislative body may stay the**  
 41 **enforcement action until final disposition of the appeal.**

42 **Sec. 4. A legislative body shall do the following:**



1 (1) Determine whether to hear an appeal filed under this  
 2 chapter not later than fifteen (15) days after the filing of the  
 3 appeal and issue a denial of an appeal at any time after the  
 4 filing of the appeal.

5 (2) Hear any appeal not later than fifteen (15) days after the  
 6 date of the legislative body decides to hear the appeal.

7 (3) Develop procedures for the review, consideration, and  
 8 hearing of an appeal filed under this chapter. The procedures  
 9 must include the following:

10 (A) Standards for evaluating an appeal filed under this  
 11 chapter.

12 (B) A procedure for consolidating appeals if there are at  
 13 least two (2) appeals filed:

14 (i) from the same order; or

15 (ii) involving a common question of law and fact.

16 (C) Written notice to the appellant and to the local health  
 17 officer who issued the enforcement action of the following:

18 (i) The appeal.

19 (ii) The date, time, and location of any hearing  
 20 concerning the appeal.

21 (D) Procedures for the sharing of information between  
 22 parties and the local board of health concerning the  
 23 circumstances resulting in the enforcement action.

24 (E) The order of the proceedings.

25 (F) The maintenance of records concerning a request for  
 26 appeal and any documentation resulting from the  
 27 investigation and hearing of the appeal.

28 **Sec. 5. If the legislative body fails to take action not later than**  
 29 **fifteen (15) days after the filing date of the appeal, the following**  
 30 **apply:**

31 (1) The appeal is considered denied.

32 (2) The legislative body shall inform the appellant in writing  
 33 that the appeal will not be heard and is considered denied.

34 (3) The considered denial of the appeal is a final disposition of  
 35 the appeal.

36 **Sec. 6. The appellant, or a representative of the appellant, must**  
 37 **be present at a hearing conducted by the legislative body. The**  
 38 **failure of the local health officer who issued the enforcement action**  
 39 **to be present is not a cause for postponement of the hearing unless**  
 40 **the local health officer requests and is granted a continuance. The**  
 41 **granting of a continuance does not modify any time requirements**  
 42 **under this chapter.**



1           **Sec. 7. The legislative body shall issue a written decision for any**  
 2 **appeal that receives a hearing under this chapter. The written**  
 3 **decision must appear in the written records of the legislative body.**

4           **Sec. 8. The legislative body shall issue a decision not later than**  
 5 **fifteen (15) days after the date of the hearing.**

6           **Sec. 9. A decision by the legislative body is appealable to a**  
 7 **circuit or superior court with jurisdiction in the county.**

8           **Sec. 10. If an appeal is:**

9           **(1) denied by the legislative body; or**

10          **(2) ruled in favor of the local health officer;**

11          **the enforcement actions under IC 16-20-1-26 apply.**

12          SECTION 9. IC 16-42-2-3 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. A food is considered  
 14 to be misbranded under any of the following conditions:

15          (1) If the food's labeling is false or misleading in any way.

16          (2) If the food's labeling or packaging fails to conform with the  
 17 rules adopted under IC 16-42-1-2.

18          (3) If the food is offered for sale under the name of another food.

19          (4) If the food is an imitation of another food, unless the food's  
 20 label bears, in type of uniform size and prominence, the word  
 21 "imitation" and, immediately following that term, the name of the  
 22 food imitated.

23          (5) If the food's container is so made, formed, or filled as to be  
 24 misleading.

25          (6) If the food is in package form, unless the food bears a label  
 26 containing the following:

27            (A) The name and place of business of the manufacturer,  
 28 packer, or distributor.

29            (B) An accurate statement of the quantity of the contents in  
 30 terms of weight, measure, or numerical count. However,  
 31 reasonable variations shall be permitted under this clause and  
 32 exemptions for small packages shall be established by rules  
 33 adopted by the state department.

34          (7) If any word, statement, or other information required under  
 35 IC 16-42-1 through IC 16-42-4 to appear on the label or labeling  
 36 is not prominently placed on the food with the conspicuousness  
 37 (as compared with other words, statements, designs, or devices in  
 38 the labeling) and in such terms that make the information likely  
 39 to be read and understood by the ordinary individual under  
 40 customary conditions of purchase and use.

41          (8) If the food purports to be or is represented as a food for which  
 42 a definition and standard of identity has been prescribed by rules





- 1 under section 1 of this chapter, unless:  
 2 (A) the food conforms to that definition and standard; and  
 3 (B) the food's label bears the name of the food specified in the  
 4 definition and standard, and, insofar as may be required by  
 5 those rules, the common names of optional ingredients (other  
 6 than spices, flavoring, and coloring) present in the food.  
 7 This subdivision with respect to artificial coloring does not apply  
 8 to butter, cheese, or ice cream.  
 9 (9) If the food purports to be or is represented as:  
 10 (A) a food for which a standard of quality has been prescribed  
 11 by rules as provided by section 1 of this chapter and the food's  
 12 quality falls below that standard, unless the label bears, in the  
 13 manner and form as the rules specify, a statement that the food  
 14 falls below that standard; or  
 15 (B) a food for which a standard or standards of fill of container  
 16 have been prescribed by rule under section 1 of this chapter  
 17 and the food falls below the applicable standard of fill of  
 18 container unless the food's label bears, in such manner and  
 19 form as the rules specify, a statement that the food falls below  
 20 that standard.  
 21 (10) If the food is not subject to subdivision (8), unless the food's  
 22 label bears:  
 23 (A) the common or usual name of the food, if any; and  
 24 (B) if the food is fabricated from at least two (2) ingredients,  
 25 the common or usual name of each ingredient. However,  
 26 spices, flavorings, and colorings, other than those sold as such,  
 27 may be designated as spices, flavorings, and colorings without  
 28 naming each. In addition, to the extent that compliance with  
 29 this clause is impracticable or results in deception or unfair  
 30 competition, the state department shall establish exemptions  
 31 by rule.  
 32 This subdivision with respect to artificial coloring does not apply  
 33 to butter, cheese, or ice cream.  
 34 (11) If the food purports to be or is represented to be for special  
 35 dietary uses, unless the food's label bears information concerning  
 36 the food's vitamin, mineral, and other dietary properties that the  
 37 state department determines to be, and by rules prescribes as  
 38 necessary to fully inform purchasers as to the food's value for  
 39 such uses.  
 40 (12) If the food bears or contains any artificial flavoring, artificial  
 41 coloring, or chemical preservative, unless the food bears labeling  
 42 stating that fact. However, to the extent that compliance with the



1 requirements of this subdivision is impracticable, the state  
2 department shall establish exemptions by rule. This subdivision:

3 (A) with respect to artificial coloring, does not apply to butter,  
4 cheese, or ice cream; and

5 (B) with respect to chemical preservatives, does not apply to  
6 a pesticide chemical when used in or on a raw agricultural  
7 commodity that is the product of the soil.

8 **(13) If the food's labeling or packaging fails to conform with**  
9 **the rules adopted under IC 16-42-5.5.**

10 SECTION 10. IC 16-42-5.4 IS ADDED TO THE INDIANA CODE  
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2025]:

13 **Chapter 5.4. Limited Meat Product Sales**

14 **Sec. 1. (a) The production and sale of meat products in**  
15 **accordance with this chapter are exempt from the requirements of**  
16 **this title that apply to food establishments.**

17 **(b) An individual selling meat products under this chapter is not**  
18 **a home based vendor (as defined in IC 16-42-5.3-2).**

19 **Sec. 2. An individual may sell meat products under this chapter**  
20 **if the following criteria are met:**

21 **(1) The livestock was raised on the individual's farm.**

22 **(2) The livestock was slaughtered, processed, and labeled in**  
23 **compliance with IC 15-17-5.**

24 **(3) The meat products are sold by the individual at a farmers'**  
25 **market or roadside stand.**

26 **(4) The meat products are sold only to an end consumer and**  
27 **the meat products are not resold.**

28 **Sec. 3. Meat products from livestock sold on the farm where the**  
29 **product is produced must be kept refrigerated at the point of sale**  
30 **and through delivery by the producer to the end consumer.**

31 **Sec. 4. An individual selling meat products under this chapter**  
32 **shall include a label for packaged meat products or a sign for**  
33 **unpackaged meat products that contains the following**  
34 **information:**

35 **(1) The name and address of the producer of the meat**  
36 **product.**

37 **(2) The common or usual name of the meat product.**

38 **(3) The net weight of the meat product by standard measure**  
39 **or numerical count.**

40 **(4) The date on which the meat product was processed.**

41 **Sec. 5. (a) An individual selling meat products under this**  
42 **chapter is subject to a meat sampling and inspection if:**



- 1           (1) the state department determines that the person's meat  
2           product is:
- 3                (A) misbranded under IC 16-42-2-3; or  
4                (B) adulterated; or
- 5           (2) a consumer complaint has been received by the state  
6           department.
- 7           (b) If the state department has reason to believe that an  
8           imminent health hazard exists with respect to an individual's meat  
9           product, the state department may order cessation of production  
10          and sale of the meat product until the state department determines  
11          that the health hazard has been addressed.
- 12          (c) For purposes of this chapter, the state health commissioner  
13          or the commissioner's authorized representatives may take  
14          samples for analysis and conduct examinations and investigations  
15          through any officers or employees under the state health  
16          commissioner's supervision. Those officers and employees may  
17          enter, at reasonable times, the facilities of a person selling meat  
18          products under this chapter and inspect any meat products in those  
19          places and all pertinent equipment, materials, containers, and  
20          labeling.
- 21          (d) A local health officer may work with the Indiana state board  
22          of animal health to carry out this section.
- 23          Sec. 6. Notwithstanding any other law, a local unit of  
24          government (as defined in IC 14-22-31.5-1) may not by ordinance  
25          or resolution require any licensure, certification, or inspection of  
26          a meat product of an individual who sells meat products under this  
27          chapter.
- 28          Sec. 7. (a) For the purpose of enforcing this chapter, the local  
29          health officers are food environmental health specialists  
30          subordinate to the state department.
- 31          (b) To ensure that enforcement of the state laws and rules is  
32          uniform throughout Indiana, the state department shall provide to  
33          the local health officers who are food environmental health  
34          specialists guidelines concerning the interpretation of the state  
35          department's rules. A food environmental health specialist may not  
36          enforce the state department's rules concerning a person under this  
37          chapter in a manner that is more strict than the state department's  
38          guidelines.
- 39          SECTION 11. IC 16-42-5.5 IS ADDED TO THE INDIANA CODE  
40          AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
41          JULY 1, 2025]:
- 42          **Chapter 5.5. Prohibition on Alternative Meat Products**



1           **Sec. 1. A grocery store shall not:**  
2           (1) sell;  
3           (2) offer for sale; or  
4           (3) distribute;  
5           **an alternative meat product that is misbranded as a meat product.**  
6           **Sec. 2. An alternative meat product is misbranded as a meat**  
7           **product if all of the following apply:**  
8           (1) The alternative meat product is advertised as a meat  
9           product but does not satisfy the definition of a meat product  
10          in IC 15-17-2-54.  
11          (2) The alternative meat product is offered for sale or sold by  
12          a grocery store.  
13          (3) The alternative meat product has a label that is:  
14                (A) part of the package;  
15                (B) placed on the package; or  
16                (C) placed on the container storing the alternative meat  
17                product;  
18          **and identifies the alternative meat product as a meat product.**  
19          **Sec. 3. A food manufacturer shall include the phrase "THIS IS**  
20          **AN IMITATION MEAT PRODUCT" on the package containing**  
21          **the alternative meat product.**  
22          **Sec. 4. (a) The state department shall inspect a grocery store's**  
23          **inventory of products:**  
24                (1) offered for sale; or  
25                (2) sold;  
26          **to the general public if the state department receives a complaint**  
27          **that the grocery store is selling or offering for sale an alternative**  
28          **meat product misbranded as a meat product.**  
29          (b) The state department may coordinate with:  
30                (1) local departments of health; or  
31                (2) the Indiana state board of animal health;  
32          **to carry out inspections under subsection (a).**  
33          **Sec. 5. (a) If the state department has reasonable cause to**  
34          **believe that a grocery store is violating section 1 of this chapter, the**  
35          **state department may halt the sale of alternative meat products at**  
36          **the grocery store.**  
37          (b) Upon receiving an order to halt the sale of alternative meat  
38          products, a grocery store may not:  
39                (1) sell; or  
40                (2) offer to sell;  
41          **the product in question until the state department determines**  
42          **whether the product in question is an alternative meat product**



1 misbranded as a meat product.  
 2 (c) The state department may require the grocery store to  
 3 refrain from:  
 4 (1) selling; or  
 5 (2) offering to sell;  
 6 the product in question until the state department's investigation  
 7 is complete.  
 8 (d) If the state department determines that a grocery store:  
 9 (1) offered for sale; or  
 10 (2) sold;  
 11 an alternative meat product misbranded as a meat product, the  
 12 state department may require the grocery store to dispose of the  
 13 misbranded alternative meat product in a manner other than by  
 14 sale to purchasers in Indiana.  
 15 Sec. 6. The state department may impose a civil penalty of not  
 16 more than ten thousand dollars (\$10,000) on a grocery store that  
 17 violates section 1 of this chapter. Civil penalties collected under  
 18 this section shall be deposited in the state general fund. Each day  
 19 after the receipt of a notice of a violation of this chapter constitutes  
 20 a separate infraction.  
 21 Sec. 7. After notice and hearing in compliance with IC 4-21.5, a  
 22 local health department may seek a court order to enjoin a grocery  
 23 store from operating if the owner of the grocery store repeatedly  
 24 and persistently fails to comply with this chapter and the rules  
 25 adopted under this chapter.  
 26 Sec. 8. The state department shall adopt rules under IC 4-22-2  
 27 to carry out its responsibilities under this chapter.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1602, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 40.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1602 as introduced.)

AYLESWORTH

Committee Vote: yeas 10, nays 0.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1602, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 1. IC 16-20-5.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

**Chapter 5.7. Appeal of Local Health Enforcement Actions for Food Establishments**

**Sec. 1. As used in this chapter, "food establishment" has the meaning set forth in IC 16-18-2-137.**

**Sec. 2. As used in this chapter, "legislative body" means the following:**

**(1) Except as provided in subdivision (2):**

**(A) the board of county commissioners, for a county that operates a local board of health under IC 16-20-2; or**

**(B) the board of county commissioners in the county where the person or property that is the subject of the enforcement action is located, if the county participates in a multiple county health department under IC 16-20-3.**

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(2) The county council for a county that is subject to IC 36-2-3.5.

(3) The common council, for a city (as defined in IC 36-1-2-3) that operates a city health department under IC 16-20-4.

**Sec. 3. (a)** A recipient may appeal an enforcement action issued or taken by a local health officer under IC 16-20-1 in response to a food establishment inspection to the local board of health in a manner prescribed by the local board of health.

**(b)** In order to make an appeal under this chapter, the recipient of the enforcement action must file the appeal with the local board of health not later than seven (7) days after the issuance of the enforcement action. Upon the proper filing of an appeal under this section by a recipient, the local board of health may stay the enforcement action until final disposition of the appeal.

**Sec. 4.** A decision by a local board of health under this chapter is appealable to the legislative body.

**Sec. 5.** A local board of health and legislative body shall do the following:

(1) Determine whether to hear an appeal filed under this chapter not later than fifteen (15) days after the filing of the appeal and issue a denial of an appeal at any time after the filing of the appeal.

(2) Hear any appeal not later than fifteen (15) days after the date of the reviewing body's decision to hear the appeal.

(3) Develop procedures for the review, consideration, and hearing of an appeal filed under this chapter. The procedures must include the following:

(A) Standards for evaluating an appeal filed under this chapter.

(B) A procedure for consolidating appeals if there are at least two (2) appeals filed:

(i) from the same order; or

(ii) involving a common question of law and fact.

(C) Written notice to the appellant and to the local health officer who issued the enforcement action of the following:

(i) The appeal.

(ii) The date, time, and location of any hearing concerning the appeal.

(D) Procedures for the sharing of information between parties and the local board of health concerning the circumstances resulting in the enforcement action.

(E) The order of the proceedings.



**(F) The maintenance of records concerning a request for appeal and any documentation resulting from the investigation and hearing of the appeal.**

**Sec. 6. If the local board of health or legislative body fails to take action not later than fifteen (15) days after the filing date of the appeal, the following apply:**

- (1) The appeal is considered denied.**
- (2) The local board of health or legislative body shall inform the appellant in writing that the appeal will not be heard and is considered denied.**
- (3) The considered denial of the appeal is a final disposition of the appeal.**

**Sec. 7. The appellant, or a representative of the appellant, must be present at a hearing conducted by the local board of health or legislative body. The failure of the local health officer who issued the enforcement action to be present is not a cause for postponement of the hearing unless the local health officer requests and is granted a continuance. The granting of a continuance does not modify any time requirements under this chapter.**

**Sec. 8. The local board of health or legislative body shall issue a written decision for any appeal that receives a hearing under this chapter. The written decision must appear in the written records of the local board of health or legislative body.**

**Sec. 9. The local board of health or legislative body shall issue a decision not later than fifteen (15) days after the date of the hearing.**

**Sec. 10. A decision by the legislative body is appealable to a circuit or superior court with jurisdiction in the county.**

**Sec. 11. If an appeal is:**

- (1) denied by the legislative body or local board of health; or**
  - (2) ruled in favor of the local health officer;**
- the enforcement actions under IC 16-20-1-26 apply."**

Page 3, delete lines 29 through 42.

Page 4, delete lines 1 through 3.

Page 6, delete lines 14 through 15, begin a new line block indented and insert:

**"(2) The livestock was slaughtered, processed, and labeled in compliance with IC 15-17-5."**

Page 9, line 20, delete "recklessly" and insert "**knowingly or intentionally**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.





(Reference is to HB 1602 as printed February 6, 2025.)

MCNAMARA

Committee Vote: yeas 12, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1602 be amended to read as follows:

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. IC 16-18-2-153.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 153.9. "Grocery store", for purposes of IC 16-42-5.5, means a store or part of a store that is known generally as:**

**(1) a supermarket, grocery store, or delicatessen and is engaged in the retail sale of a general food line, which may include:**

**(A) canned and frozen foods;**

**(B) fresh fruits and vegetables; and**

**(C) fresh and prepared meats, fish, and poultry;**

**(2) a convenience store, food mart, or gas station and is engaged in:**

**(A) the retail sale of a line of goods that may include milk, bread, soda, and snacks; or**

**(B) the retail sale of automotive fuels and the retail sale of a line of goods that may include milk, bread, soda, and snacks; or**

**(3) a warehouse club, superstore, supercenter, or general merchandise store and is engaged in the retail sale of a general line of groceries or gourmet foods in combination with general lines of new merchandise, which may include apparel, furniture, and appliances.**

**The term includes a vending machine (as defined in IC 16-42-5-32(c))."**

Page 3, line 13, delete "IC 16-42-5.5," and insert "**this chapter,**".

Page 3, line 26, delete "IC 16-42-5.5," and insert "**this chapter,**".

Page 3, delete lines 29 through 42, begin a new paragraph and insert:

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"SECTION 7. IC 16-20-5.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

**Chapter 5.7. Appeal of Local Health Enforcement Actions for Food Establishments**

**Sec. 1.** As used in this chapter, "food establishment" has the meaning set forth in IC 16-18-2-137.

**Sec. 2.** As used in this chapter, "legislative body" means the following:

- (1) Except as provided in subdivision (2):
  - (A) the board of county commissioners, for a county that operates a local board of health under IC 16-20-2; or
  - (B) the board of county commissioners in the county where the person or property that is the subject of the enforcement action is located, if the county participates in a multiple county health department under IC 16-20-3.
- (2) The county council for a county that is subject to IC 36-2-3.5.
- (3) The common council for a city (as defined in IC 36-1-2-3) that operates a city health department under IC 16-20-4.

**Sec. 3. (a)** A recipient may appeal an enforcement action issued by a local health officer or local health board under IC 16-20-1 in response to a food establishment inspection to the legislative body in a manner prescribed by the legislative body.

**(b)** In order to make an appeal under this chapter, the recipient of the enforcement action must file the appeal with the legislative body not later than seven (7) days after the issuance of the enforcement action. Upon the proper filing of an appeal under this section by a recipient, the legislative body may stay the enforcement action until final disposition of the appeal.

**Sec. 4.** A legislative body shall do the following:

- (1) Determine whether to hear an appeal filed under this chapter not later than fifteen (15) days after the filing of the appeal and issue a denial of an appeal at any time after the filing of the appeal.
- (2) Hear any appeal not later than fifteen (15) days after the date of the legislative body decides to hear the appeal.
- (3) Develop procedures for the review, consideration, and hearing of an appeal filed under this chapter. The procedures must include the following:
  - (A) Standards for evaluating an appeal filed under this chapter.



**(B) A procedure for consolidating appeals if there are at least two (2) appeals filed:**

- (i) from the same order; or**
- (ii) involving a common question of law and fact.**

**(C) Written notice to the appellant and to the local health officer who issued the enforcement action of the following:**

- (i) The appeal.**
- (ii) The date, time, and location of any hearing concerning the appeal.**

**(D) Procedures for the sharing of information between parties and the local board of health concerning the circumstances resulting in the enforcement action.**

**(E) The order of the proceedings.**

**(F) The maintenance of records concerning a request for appeal and any documentation resulting from the investigation and hearing of the appeal.**

**Sec. 5. If the legislative body fails to take action not later than fifteen (15) days after the filing date of the appeal, the following apply:**

- (1) The appeal is considered denied.**
- (2) The legislative body shall inform the appellant in writing that the appeal will not be heard and is considered denied.**
- (3) The considered denial of the appeal is a final disposition of the appeal.**

**Sec. 6. The appellant, or a representative of the appellant, must be present at a hearing conducted by the legislative body. The failure of the local health officer who issued the enforcement action to be present is not a cause for postponement of the hearing unless the local health officer requests and is granted a continuance. The granting of a continuance does not modify any time requirements under this chapter.**

**Sec. 7. The legislative body shall issue a written decision for any appeal that receives a hearing under this chapter. The written decision must appear in the written records of the legislative body.**

**Sec. 8. The legislative body shall issue a decision not later than fifteen (15) days after the date of the hearing.**

**Sec. 9. A decision by the legislative body is appealable to a circuit or superior court with jurisdiction in the county.**

**Sec. 10. If an appeal is:**

- (1) denied by the legislative body; or**
  - (2) ruled in favor of the local health officer;**
- the enforcement actions under IC 16-20-1-26 apply."**



- Delete page 4.
- Page 5, delete lines 1 through 34.
- Page 8, line 8, delete "is" and insert "**are**".
- Page 9, line 24, delete "food establishment or mobile retail food establishment" and insert "**grocery store**".
- Page 9, line 36, delete "food manufacturer" and insert "**grocery store**".
- Page 10, line 4, delete "food" and insert "**grocery store's**".
- Page 10, line 5, delete "establishment or mobile retail food establishment's".
- Page 10, line 10, delete "a food establishment or mobile retail food establishment" and insert "**the grocery store**".
- Page 10, line 18, delete "food establishment or mobile retail food" and insert "**grocery store**".
- Page 10, line 19, delete "establishment".
- Page 10, line 21, delete "food establishment or mobile retail food establishment" and insert "**grocery store**".
- Page 10, line 23, delete "food establishment or mobile retail food establishment" and insert "**grocery store**".
- Page 10, line 30, delete "food establishment or" and insert "**grocery store**".
- Page 10, line 31, delete "mobile retail food establishment".
- Page 10, line 36, delete "food establishment" and insert "**grocery store:**".
- Page 10, line 37, delete "or mobile retail food establishment:".
- Page 10, line 41, delete "food establishment or mobile" and insert "**grocery store**".
- Page 10, line 42, delete "retail food establishment".
- Page 11, line 4, delete "food establishment" and insert "**grocery store**".
- Page 11, line 5, delete "or mobile retail food establishment".
- Page 11, line 7, after "fund." insert "**Each day after the receipt of a notice of a violation of this chapter constitutes a separate infraction.**".
- Page 11, delete lines 8 through 11.
- Page 11, line 12, delete "8." and insert "7.".
- Page 11, line 13, delete "food" and insert "**grocery store**".
- Page 11, line 14, delete "establishment or mobile retail food establishment".
- Page 11, line 15, delete "food establishment or mobile retail food" and insert "**grocery store**".
- Page 11, line 16, delete "establishment".



Page 11, line 18, delete "9." and insert "8."

Page 11, delete lines 20 through 23.

Re-number all SECTIONS consecutively.

(Reference is to HB 1602 as printed February 13, 2025).

CULP

