



March 18, 2021

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# ENGROSSED SENATE BILL No. 20

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DIGEST OF SB 20 (Updated March 17, 2021 4:05 pm - DI 138)

**Citations Affected:** IC 16-42.

**Synopsis:** Regulation of micro market food sales. Specifies that "micro market display" includes a hot beverage brewer. Specifies that a "vending machine" includes a self-service device that can be activated by the use of a software application on a smartphone. Provides that a micro market can sell hot beverages. Provides that an owner or operator of a micro market shall not be required to: (1) submit any documentation; or (2) be subject to any pre-plan review, inspection process, or approval process by the state department, corporation, or local health department before the installation of a micro market. Provides that an owner or operator of a micro market must notify the corporation or local health department where the micro market is located no later than 10 business days after the installation of the micro market. Provides that an owner or operator of a micro market shall not be subject to any fee associated with providing notice to a corporation or local health department.

**Effective:** July 1, 2021.

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**Ford Jon, Grooms, Charbonneau,  
Niezgodski**

(HOUSE SPONSOR — MORRISON)

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January 4, 2021, read first time and referred to Committee on Health and Provider Services.

February 18, 2021, reported favorably — Do Pass.

February 22, 2021, read second time, ordered engrossed. Engrossed.

February 23, 2021, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Commerce, Small Business and Economic Development.

March 18, 2021, amended, reported — Do Pass.

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March 18, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 20

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 16-42-5-32, AS ADDED BY P.L.46-2017,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 32. (a) As used in this section, "micro market"  
4 means an unstaffed, self-checkout retail food establishment that:  
5 (1) consists of one (1) or more micro market displays that do not  
6 exceed seventy-five (75) linear feet in total length across the front  
7 of all displays in any one (1) location;  
8 (2) contains an automated payment ~~kiosk~~; **system**;  
9 (3) is located indoors and within a business;  
10 (4) is accessible only to an:  
11 (A) owner or employee of the business; or  
12 (B) escorted guest; and  
13 (5) is not accessible to the general public.  
14 (b) As used in this section, "micro market display" means any of the  
15 following in which food is displayed:  
16 (1) An open rack.  
17 (2) A refrigerator or a refrigerated cooler.

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- 1 (3) A freezer.
- 2 (4) A vending machine.
- 3 (5) A beverage dispenser.
- 4 **(6) A hot beverage brewer.**
- 5 (c) As used in this section, "vending machine" means a self-service
- 6 device that, upon activation, ~~such as through~~ ~~by the insertion~~ use of:
- 7 (1) a coin;
- 8 (2) paper currency;
- 9 (3) a token;
- 10 (4) a card; ~~or~~
- 11 (5) a key; ~~or~~
- 12 **(6) a software application on a smartphone;**
- 13 or by optional manual operation, dispenses unit servings of food in bulk
- 14 or in packages without the necessity of replenishing the device between
- 15 each vending operation.
- 16 (d) Notwithstanding any other state law or administrative rule, the
- 17 owner or operator of a micro market is not required to have a person in
- 18 charge present at the micro market, as otherwise required under 410
- 19 IAC 7-24 or under any successor rule adopted by the state department,
- 20 if the following requirements are met:
- 21 (1) The following security measures are used for the micro
- 22 market:
- 23 (A) The micro market location includes video surveillance that
- 24 operates on a twenty-four (24) hour per day, seven (7) day per
- 25 week basis and:
- 26 (i) records consumers viewing, selecting, handling, and
- 27 purchasing products from the micro market; and
- 28 (ii) provides sufficient resolution to identify consumers
- 29 described in item (i).
- 30 (B) The video surveillance recordings described in clause (A)
- 31 are:
- 32 (i) maintained; and
- 33 (ii) available for inspection upon request by the state
- 34 department or another applicable regulatory agency;
- 35 for fourteen (14) days after the date of the surveillance.
- 36 (C) A video surveillance recording requested for inspection
- 37 under clause (B) is made available to the state department or
- 38 other requesting regulatory agency not later than twenty-four
- 39 (24) hours after the time the request is received by the owner
- 40 or operator of the micro market.
- 41 (D) The automated self-checkout equipment used in the micro
- 42 market has the capability to match a purchase with the



- 1 consumer who made the purchase.
- 2 (2) The only food sold at the micro market is commercially
- 3 prepackaged food, ~~or~~ ready to eat fruit, **and hot beverages.**
- 4 **Except for hot beverages, all food must be sold unheated.**
- 5 (3) Prepackaged food sold at the micro market is contained in
- 6 tamper evident packaging.
- 7 (4) Prepackaged food sold at the micro market contains the
- 8 following information on its packaging:
- 9 (A) Except as exempted under the federal Food, Drug, and
- 10 Cosmetic Act (21 U.S.C. 301 et seq.), nutrition labeling for the
- 11 food as specified in 21 CFR 101 and 9 CFR 317, Subpart B.
- 12 (B) A freshness or expiration date.
- 13 (C) The labeling requirements set forth in 410 IAC 7-24-146
- 14 or in any successor rule adopted by the state department.
- 15 (5) Refrigerated or frozen food sold in the micro market is stored
- 16 in a refrigerated cooler or freezer that:
- 17 (A) maintains an internal temperature:
- 18 (i) of forty-one (41) degrees Fahrenheit or less; or
- 19 (ii) as otherwise necessary for food safety, as established by
- 20 the state department;
- 21 (B) has self-closing doors;
- 22 (C) allows the food to be viewed without opening the door to
- 23 the refrigerated cooler or freezer; and
- 24 (D) has an automatic self-locking feature that prevents a
- 25 consumer from accessing the food upon the occurrence of any
- 26 condition (including a power failure or mechanical failure)
- 27 that results in the failure of the refrigerated cooler or freezer to
- 28 maintain the internal temperature set forth in clause (A).
- 29 (6) There is a sign that:
- 30 (A) is posted at the location of the micro market;
- 31 (B) is readily visible from the automated payment ~~kiosk;~~
- 32 **system; and**
- 33 (C) contains the following information that is printed entirely
- 34 in English and that may also, at the discretion of the owner or
- 35 operator of the micro market, be printed in any other prevalent
- 36 language of the customers of the micro market:
- 37 (i) The name of the owner or operator of the micro market to
- 38 whom complaints and comments concerning the micro
- 39 market may be addressed.
- 40 (ii) The business address of the owner or operator of the
- 41 micro market.
- 42 (iii) The telephone number of the owner or operator of the



1 micro market.  
2 (iv) The electronic mail address and Internet web site  
3 information for the owner or operator of the micro market,  
4 as applicable.  
5 **(e) Notwithstanding any other law, administrative rule, or local**  
6 **ordinance, an owner or operator of a micro market shall not be**  
7 **required to:**  
8 **(1) submit any documentation; or**  
9 **(2) be subject to any:**  
10 **(A) pre-plan review;**  
11 **(B) inspection process; or**  
12 **(C) approval process;**  
13 **by the state department, corporation, or local health**  
14 **department before the installation of a micro market.**  
15 **An owner or operator of a micro market must notify the**  
16 **corporation or local health department where the micro market is**  
17 **located not later than ten (10) business days after the installation**  
18 **of the micro market. An owner or operator of a micro market shall**  
19 **not be subject to any fee associated with the notification described**  
20 **in this subsection.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 20, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 20 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Senate Bill 20, 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 4, after line 4, begin a new paragraph and insert:

**"(e) Notwithstanding any other law, administrative rule, or local ordinance, an owner or operator of a micro market shall not be required to:**

**(1) submit any documentation; or**

**(2) be subject to any:**

**(A) pre-plan review;**

**(B) inspection process; or**

**(C) approval process;**

**by the state department, corporation, or local health department before the installation of a micro market.**

**An owner or operator of a micro market must notify the corporation or local health department where the micro market is located not later than ten (10) business days after the installation of the micro market. An owner or operator of a micro market shall not be subject to any fee associated with the notification described in this subsection."**

and when so amended that said bill do pass.

(Reference is to SB 20 as printed February 19, 2021.)

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MORRIS

Committee Vote: yeas 10, nays 0.

