



February 25, 2014

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**ENGROSSED  
SENATE BILL No. 179**

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DIGEST OF SB 179 (Updated February 25, 2014 12:30 pm - DI 109)

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

**Synopsis:** Various agricultural matters. Allows poultry farms to slaughter and process up to a certain number of poultry annually without inspection under federal regulations. Provides that a local unit of government may not by ordinance or resolution require licensure, certification, or inspection for food or food products of an individual vendor, farmer, or bona fide egg producer who meets certain requirements. Requires eggs sold in Indiana to be refrigerated at forty-five (45) degrees Fahrenheit within thirty-six (36) hours of lay. Allows poultry that is sold on a farm to be refrigerated at the point of sale. Requires poultry that is sold at a farmer's market, through delivery, or at a roadside stand to be frozen at the point of sale. Requires poultry that is sold on a farm, through delivery or at a roadside stand to be used, sold, or frozen within seventy-two (72) hours of processing.

**Effective:** July 1, 2014.

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**Banks, Yoder, Young R, Skinner,  
Waterman**

(HOUSE SPONSOR — CLERE)

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

January 14, 2014, reported favorably — Do Pass.

January 16, 2014, read second time, amended, ordered engrossed.

January 17, 2014, engrossed.

January 21, 2014, read third time, passed. Yeas 45, nays 1.

HOUSE ACTION

February 4, 2014, read first time and referred to Committee on Agriculture and Rural Development.

February 25, 2014, amended, reported — Do Pass.

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February 25, 2014

Second Regular Session 118th General Assembly (2014)

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

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

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

## ENGROSSED SENATE BILL No. 179

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

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

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

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

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

- 12 (1) is made, grown, or raised by an individual at the individual's  
13 primary residence, property owned by the individual, or property  
14 leased by the individual;  
15 (2) is not a potentially hazardous food product;  
16 (3) is prepared by an individual who practices proper sanitary

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- 1 procedures, including:
- 2 (A) proper hand washing;
- 3 (B) sanitation of the container or other packaging in which the
- 4 food product is contained; and
- 5 (C) safe storage of the food product;
- 6 **(4) consists of eggs meeting the requirements of IC 16-42-11;**
- 7 ~~(4) (5)~~ is not resold; and
- 8 ~~(5) (6)~~ includes a label that contains the following information:
- 9 (A) The name and address of the producer of the food product.
- 10 (B) The common or usual name of the food product.
- 11 (C) The ingredients of the food product, in descending order
- 12 by predominance by weight.
- 13 (D) The net weight and volume of the food product by
- 14 standard measure or numerical count.
- 15 (E) The date on which the food product was processed.
- 16 (F) The following statement in at least 10 point type: "This
- 17 product is home produced and processed and the production
- 18 area has not been inspected by the state department of health."
- 19 ~~(e) (d)~~ An individual vendor who meets the requirements in
- 20 subsection ~~(b) (c)~~ is subject to food sampling and inspection if:
- 21 (1) the state department determines that the individual vendor's
- 22 food product is:
- 23 (A) misbranded under IC 16-42-2-3; or
- 24 (B) adulterated; or
- 25 (2) a consumer complaint has been received by the state
- 26 department.
- 27 ~~(d) (e)~~ If the state department has reason to believe that an imminent
- 28 health hazard exists with respect to an individual vendor's food
- 29 product, the state department may order cessation of production and
- 30 sale of the food product until the state department determines that the
- 31 hazardous situation has been addressed.
- 32 ~~(e) (f)~~ For purposes of this section, the state health commissioner or
- 33 the commissioner's authorized representatives may take samples for
- 34 analysis and conduct examinations and investigations through any
- 35 officers or employees under the state health commissioner's
- 36 supervision. Those officers and employees may enter, at reasonable
- 37 times, the facilities of an individual vendor and inspect any food
- 38 products in those places and all pertinent equipment, materials,
- 39 containers, and labeling.
- 40 ~~(f) (g)~~ The state health commissioner may develop guidelines for an
- 41 individual vendor who seeks an exemption from regulation as a food
- 42 establishment as described in subsection ~~(b) (c)~~. The guidelines may



- 1 include:
- 2 (1) standards for best safe food handling practices;
- 3 (2) disease control measures; and
- 4 (3) standards for potable water sources.
- 5 ~~(g)~~ **(h)** The department shall adopt rules that:
- 6 (1) incorporate by reference 9 CFR 381.10(c) allowing poultry
- 7 products slaughtered and processed on a farm for the purpose of
- 8 conducting limited sales on the farm, at a farmer's market, and at
- 9 a roadside stand; **exclude slaughtering and processing of**
- 10 **poultry on a farm for the purpose of conducting limited sales**
- 11 **under 9 CFR 381.10, as adopted by reference in 345**
- 12 **IAC 10-2.1-1, from the definition of food establishment if the**
- 13 **slaughtered and processed poultry or poultry product is sold**
- 14 **only on a farm, at a farmer's market, through delivery, or at**
- 15 **a roadside stand;**
- 16 (2) require that poultry processed under this section **that is sold**
- 17 **on a farm be frozen refrigerated** at the point of sale and labeled
- 18 in compliance with the requirements of 9 CFR 381.10;
- 19 (3) allow rabbits to be slaughtered and processed on a farm for the
- 20 purpose of conducting limited sales on the farm, at a farmer's
- 21 market, and at a roadside stand; ~~and~~
- 22 (4) require that rabbits processed under this section be frozen at
- 23 the point of sale; ~~and~~
- 24 **(5) require that poultry processed under this section that is**
- 25 **sold at a farmer's market, through delivery, or at a roadside**
- 26 **stand be frozen at the point of sale and labeled in compliance**
- 27 **with the requirements of 9 CFR 381.10.**
- 28 **An individual vendor of a farmer's market or roadside stand**
- 29 **operating under the exclusion provided in this subsection must**
- 30 **slaughter and process poultry in compliance with the Indiana state**
- 31 **board of animal health requirements for producers operating**
- 32 **under 9 CFR 381.10. Poultry processed under the exclusion**
- 33 **provided in this subsection must be used, sold, or frozen within**
- 34 **seventy-two (72) hours of processing.**
- 35 **(i) Notwithstanding any other law, a local unit of government**
- 36 **(as defined in IC 14-22-31.5-1) may not by ordinance or resolution**
- 37 **require any licensure, certification, or inspection of foods or food**
- 38 **products of an individual vendor who meets the requirements in**
- 39 **subsection (c), including an individual vendor who delivers the**
- 40 **individual's food or food product directly to an end consumer.**
- 41 SECTION 2. IC 16-42-11-6, AS AMENDED BY P.L.28-2009,
- 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 6. **(a) Eggs sold under this chapter must be**  
2 **refrigerated at forty-five (45) degrees Fahrenheit within thirty-six**  
3 **(36) hours of lay.**

4 **(b)** A person may not sell, offer for sale, or advertise for sale at  
5 retail or wholesale eggs that do not meet the standards of quality and  
6 weight set forth by the state egg board.

7 SECTION 3. IC 16-42-11-9.5, AS ADDED BY P.L.28-2009,  
8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2014]: Sec. 9.5. **(a)** A farmer or bona fide egg producer who  
10 markets directly to the consumer at a location that is not the farmer's or  
11 producer's own premises and is recognized as a farmers market may be  
12 required to have a farmers market retail permit issued by the state egg  
13 board. The state egg board shall establish requirements and procedures  
14 for obtaining a farmers market retail permit by rule under IC 4-22-2.

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



## COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 179, 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 179 as introduced.)

Committee Vote: Yeas 8, Nays 0

Senator Yoder, Chairperson

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 SENATE MOTION

Madam President: I move that Senate Bill 179 be amended to read as follows:

Page 3, line 41, delete "eggs to a restaurant or" and insert "**eggs:**

**(1) to:**

**(A) a restaurant; or**

**(B) a grocery store; or**

**(2) at:**

**(A) a farmer's market; or**

**(B) a roadside stand;"**.

Page 3, line 42, delete "grocery store".

(Reference is to SB 179 as printed January 15, 2014.)

BANKS

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 COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 179, 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 2, between lines 5 and 6, begin a new line block indented and insert:

**"(4) consists of eggs meeting the requirements of IC 16-42-11;"**.

Page 2, line 6, strike "(4)" and insert "**(5)**".

Page 2, line 7, strike "(5)" and insert "**(6)**".

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Page 3, line 15, after "section" insert "**that is sold on a farm**".

Page 3, line 15, strike "frozen" and insert "**refrigerated**".

Page 3, line 20, after "stand;" strike "and".

Page 3, line 22, delete "." and insert "; **and**

**"(5) require that poultry processed under this section that is sold at a farmer's market, through delivery, or at a roadside stand be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10.**

**An individual vendor of a farmer's market or roadside stand operating under the exclusion provided in this subsection must slaughter and process poultry in compliance with the Indiana state board of animal health requirements for producers operating under 9 CFR 381.10. Poultry processed under the exclusion provided in this subsection must be used, sold, or frozen within seventy-two (72) hours of processing."**

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

**"SECTION 2. IC 16-42-11-6, AS AMENDED BY P.L.28-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Eggs sold under this chapter must be refrigerated at forty-five (45) degrees Fahrenheit within thirty-six (36) hours of lay.**

**(b) A person may not sell, offer for sale, or advertise for sale at retail or wholesale eggs that do not meet the standards of quality and weight set forth by the state egg board."**

Page 3, line 34, delete "not".

Page 3, line 35, reset in roman "The state egg board shall establish requirements and".

Page 3, reset in roman lines 36 through 37.

Page 3, delete lines 38 through 42.

Page 4, delete lines 1 through 7.

Page 4, line 8, delete "(c)" and insert "**(b)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 179 as reprinted January 17, 2014.)

LEHE, Chair

Committee Vote: yeas 8, nays 0.

