

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 249

AN ACT to amend the Indiana Code concerning agriculture.

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

SECTION 1. IC 15-11-5-4, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The livestock industry promotion and development fund is established as a dedicated fund to be administered by the department.

(b) Money in the fund must be spent by the department:

- (1) exclusively for the purposes described in this chapter **and IC 15-11-14**, including administrative expenses; and
- (2) throughout Indiana.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished, the money in the fund reverts to the state general fund.

(d) There is annually appropriated to the department the entire amount of money in the fund for the use of the department in carrying out the purposes of this chapter.

(e) The department may solicit grants and gifts from public or private sources for the fund.

SECTION 2. IC 15-11-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. Farm Commodities and Market News Service



Sec. 1. (a) Beginning July 1, 2017, the department may:

- (1) implement and promote a program to supply to the agriculture industry marketing assistance that provides unbiased price and sales information to assist in the marketing and distribution of farm commodities; and**
- (2) implement and maintain a market news service for the purpose of disseminating information that will aid producers and consumers in the sale and purchase of agricultural products.**

(b) Beginning July 1, 2015, the department may develop and implement a pilot program that incorporates the requirements in subsection (a). A pilot program established under this subsection must:

- (1) be designed in a manner that will allow for the expansion of information that is provided in the future based on the needs of the agricultural industry; and**
- (2) focus on livestock and forage products.**

A pilot program established under this subsection expires July 1, 2017.

Sec. 2. The department may negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate federal agency to implement this chapter.

SECTION 3. IC 15-17-2-34, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) "Garbage" means:

- (1) any waste material derived in whole or in part from any animal, including fish and poultry; or
- (2) refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry.

(b) The term does not include:

- (1) bakery waste;
- (2) candy waste;
- (3) eggs;
- (4) domestic dairy products; ~~or~~
- (5) a processed product;**
- (6) a rendered product; or**

~~(5)~~ **(7) waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.**



SECTION 4. IC 15-17-2-91.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 91.5. "Processed product" means material derived in whole or in part from any animal, including fish and poultry, and other refuse that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability that has been:**

- (1) at a minimum, cooked to a temperature of one hundred sixty-seven (167) degrees Fahrenheit for at least thirty (30) minutes; or**
- (2) subjected to another industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the board.**

SECTION 5. IC 15-17-2-95, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 95. "Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry, and refuse from the handling, preparation, cooking, or consumption of food that has been:**

- (1) ground and heated to a minimum temperature of two hundred thirty (230) degrees Fahrenheit to make products such as animal, poultry, or fish protein meal, grease, or tallow; or**
- (2) subject to other industrial processes demonstrated to provide an equivalent level of inactivation of disease organisms, as approved under rules adopted by the board.**

SECTION 6. IC 15-17-10-16, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. A person may not feed or permit the feeding of garbage to swine, except for rendered products: unless:**

- (1) the garbage is treated to kill disease organisms in accordance with rules adopted by the board; and**
- (2) the processing occurs at a facility operated by a person holding a valid license issued by the board, for the treatment of garbage.**

SECTION 7. IC 16-42-5-29, AS AMENDED BY P.L.154-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 29. (a) This section applies to an individual vendor of a farmer's market or roadside stand.**

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

(c) An individual vendor of a farmer's market or roadside stand is



not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:

- (1) is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual;
- (2) is not a potentially hazardous food product;
- (3) is prepared by an individual who practices proper sanitary procedures, including:
 - (A) proper hand washing;
 - (B) sanitation of the container or other packaging in which the food product is contained; and
 - (C) safe storage of the food product;
- ~~(4) consists of eggs meeting the requirements of IC 16-42-11;~~
- ~~(5) (4) is not resold; and~~
- ~~(6) (5) includes a label that contains the following information:~~
 - (A) The name and address of the producer of the food product.
 - (B) The common or usual name of the food product.
 - (C) The ingredients of the food product, in descending order by predominance by weight.
 - (D) The net weight and volume of the food product by standard measure or numerical count.
 - (E) The date on which the food product was processed.
 - (F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."
- (d) An individual vendor who meets the requirements in subsection (c) is subject to food sampling and inspection if:
 - (1) the state department determines that the individual vendor's food product is:
 - (A) misbranded under IC 16-42-2-3; or
 - (B) adulterated; or
 - (2) a consumer complaint has been received by the state department.
- (e) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.
- (f) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any



officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

(g) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (c). The guidelines may include:

- (1) standards for best safe food handling practices;
- (2) disease control measures; and
- (3) standards for potable water sources.

(h) The department shall adopt rules that:

- (1) exclude slaughtering and processing of poultry on a farm for the purpose of conducting limited sales under 9 CFR 381.10, as adopted by reference in 345 IAC 10-2.1-1, from the definition of food establishment if the slaughtered and processed poultry or poultry product is sold only **to the end consumer on a the farm where the poultry is produced**, at a farmer's market, through delivery **to the end consumer**, or at a roadside stand;
- (2) require that poultry processed under this section that is sold on a farm be refrigerated at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;
- (3) allow rabbits to be slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand;
- (4) require that rabbits processed under this section be frozen at the point of sale; and
- (5) require that poultry processed under this section that is sold at a farmer's market, through delivery **to the end consumer**, 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.

(i) An individual vendor of a farmer's market or roadside stand that sells eggs that meet the requirements under IC 16-42-11 is not considered to be a food establishment and is exempt from the requirements of this title that apply to a food establishment



relating to the sale of eggs.

(j) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer.

SECTION 8. IC 36-1-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10. (a) As used in this section, "livestock" has the meaning set forth in IC 15-11-5-1.**

(b) The Purdue Cooperative Extension Service and the Purdue University College of Agriculture shall study the impact of local land use ordinances on the construction of buildings or other structures used in the breeding, feeding, and housing of livestock. The study must include the following:

- (1) A listing of the counties, cities, and towns that have considered imposing land use limitations on the construction of buildings or other structures used in the breeding, feeding, and housing of livestock.**
- (2) A summary of any land use ordinances adopted by counties, cities, and towns since 2010 that have restricted the construction of buildings or other structures used in the breeding, feeding, and housing of livestock in the adopting counties, cities, and towns.**
- (3) A discussion of the particular restrictive aspects of the ordinances summarized under subdivision (2), including set back requirements, moratoriums, and limitations on the size of a building or lot subject to the ordinance.**
- (4) A discussion of any other land use restrictions that have affected the development of buildings or other structures used in the breeding, feeding, and housing of livestock in Indiana.**
- (5) If applicable, a discussion of any projects that have been developed in other states because of a land use restriction that prevented developing the project in a preferred Indiana location.**
- (6) A summary of the importance of livestock agriculture to each county and the estimated economic impact of livestock agriculture on the Indiana economy.**

(c) Before November 1, 2015, the Purdue Cooperative Extension Service and the Purdue University College of Agriculture shall report the results of the study required by subsection (b) to the



budget committee, to the Indiana land resources council (IC 15-12-5), and to the legislative council in an electronic format under IC 5-14-6.

(d) This section expires July 1, 2016.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

