

SENATE BILL No. 265

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-42-29.

Synopsis: Statewide mobile food unit license. Defines "mobile food unit" as a food truck or another mobile unit from which food ready for immediate consumption is provided to the public. Requires the state department of health (state department) to adopt rules establishing: (1) a statewide mobile food unit license; and (2) standards for the licensing, operation, and inspection of mobile food units. Provides that a statewide mobile food unit license authorizes the use of the mobile food unit in any county without: (1) inspection by a county or local health department inspector; (2) obtaining a county or local license or permit; or (3) paying a county or local inspection fee or license or permit fee. Provides that the mobile food unit standards established by the state department: (1) must recognize the advanced technical capabilities of modern mobile food units in the safe and sanitary preparation and handling of food; and (2) must be written to ensure that they will be uniformly interpreted and applied throughout the state. Provides for the inspection of each mobile food unit at least two times per year. Requires the state department to establish license fees and inspection fees.

Effective: July 1, 2021.

Doriot

January 11, 2021, read first time and referred to Committee on Health and Provider Services.



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.

SENATE BILL No. 265

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 16-42-29 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]:

4 **Chapter 29. Statewide Mobile Food Unit License**

5 **Sec. 1. As used in this chapter, "mobile food unit" means a food**
6 **truck or another mobile unit from which food ready for immediate**
7 **consumption is provided to the public.**

8 **Sec. 2. Before January 1, 2022, the state department of health**
9 **shall adopt rules under IC 4-22-2 establishing:**

- 10 (1) a statewide mobile food unit license to be issued to the
- 11 owner or operator of a mobile food unit that meets the
- 12 licensing standards established by the state department; and
- 13 (2) standards for the licensing, operation, and inspection of
- 14 mobile food units.

15 **Sec. 3. The statewide mobile food unit license issued under this**
16 **chapter to the owner or operator of a mobile food unit must**
17 **authorize the use of the mobile food unit to provide food ready for**



1 immediate consumption to the public in any county of the state
2 without:

- 3 (1) inspection by a county or local health department
4 inspector;
5 (2) obtaining a county or local license or permit; or
6 (3) paying a county or local:
7 (A) inspection fee; or
8 (B) license or permit fee.

9 Sec. 4. The standards established under section 2(2) of this
10 chapter:

- 11 (1) must recognize the advanced technical capabilities of
12 modern mobile food units in the safe and sanitary preparation
13 and handling of food; and
14 (2) must be written to ensure that they will be uniformly
15 interpreted and applied throughout the state.

16 Sec. 5. (a) A statewide mobile food unit license issued under this
17 chapter:

- 18 (1) is in effect for one (1) year; and
19 (2) may be renewed annually as long as the mobile food unit
20 continues to meet the licensing standards established by the
21 state department under section 2(2) of this chapter.

22 (b) The state department may delegate to local health
23 departments the authority to issue statewide mobile food unit
24 licenses on behalf of the state department. However, a local health
25 department delegated authority under this subsection must not
26 vary from the licensing standards established by the state
27 department under section 2(2) of this chapter.

28 Sec. 6. (a) The rules adopted by the state department under
29 section 2 of this chapter must require a mobile food unit to be
30 inspected at least two (2) times per year for compliance with the
31 standards for mobile food units established under section 2(2) of
32 this chapter.

33 (b) Notwithstanding section 3(1) of this chapter, the state
34 department may delegate to local health departments the authority
35 to conduct inspections of mobile food units required under
36 subsection (a). However, a local health department delegated
37 authority under this subsection must not vary from the inspection
38 standards established by the state department under section 2(2)
39 of this chapter.

40 Sec. 7. (a) The rules adopted by the state department under
41 section 2 of this chapter must establish:

- 42 (1) a yearly license fee to be paid with each application for the



1 issuance or renewal of a statewide mobile food unit license;
2 and
3 (2) an inspection fee to be paid for each inspection of a mobile
4 food unit conducted under section 6 of this chapter.
5 (b) The yearly license fee established under subsection (a)(1)
6 must be set at an amount that is reasonable in relation to the
7 expense incurred by the state department in administering this
8 chapter.
9 (c) The inspection fee established under subsection (a)(2) must
10 be set at an amount that is reasonable in relation to the expense
11 incurred by:
12 (1) the state department; or
13 (2) the local health department;
14 in conducting each inspection.

