

SENATE BILL No. 324

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-42-5-32.

Synopsis: Micro market and vending machine fees. Provides that the annual permit fee for a micro market shall not exceed \$60. Provides that the annual permit fee for a vending machine shall not exceed \$8. Specifies that a political subdivision may not charge an installation fee for a micro market or vending machine. Provides that any provision of an ordinance, measure, enactment, rule, or policy or exercise of proprietary authority by a political subdivision or an employee or agent of a political subdivision acting in an official capacity that modifies or conflicts with the statutory requirements concerning: (1) annual micro market permit fees; (2) annual vending machine permit fees; or (3) micro market or vending machine installation fees; is void. Specifies that the annual renewal date for micro market and vending machine permit fees is June 1. Allows the person or entity responsible for the annual collection of micro market and vending machine permit fees to adjust or pro rate, as applicable, a micro market or vending machine permit fee for the purpose of synchronizing micro market and vending machine renewal cycles. Makes conforming amendments.

Effective: July 1, 2020.

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January 13, 2020, read first time and referred to Committee on Local Government.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 324

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 16-18-2-286.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 286.1. "Political subdivision", for**
4 **purposes of IC 16-42-5-32, has the meaning set forth in**
5 **IC 16-42-5-32(c).**

6 SECTION 2. IC 16-18-2-363.3, AS ADDED BY P.L.46-2017,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2020]: Sec. 363.3. "Vending machine", for purposes of
9 IC 16-42-5-32, has the meaning set forth in ~~IC 16-42-5-32(c)~~.
10 **IC 16-42-5-32(d).**

11 SECTION 3. IC 16-42-5-32, AS ADDED BY P.L.46-2017,
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 32. (a) As used in this section, "micro market"
14 means an unstaffed, self-checkout retail food establishment that:

- 15 (1) consists of one (1) or more micro market displays that do not
16 exceed seventy-five (75) linear feet in total length across the front
17 of all displays in any one (1) location;



- 1 (2) contains an automated payment kiosk;
 2 (3) is located indoors and within a business;
 3 (4) is accessible only to an:
 4 (A) owner or employee of the business; or
 5 (B) escorted guest; and
 6 (5) is not accessible to the general public.
 7 (b) As used in this section, "micro market display" means any of the
 8 following in which food is displayed:
 9 (1) An open rack.
 10 (2) A refrigerator or a refrigerated cooler.
 11 (3) A freezer.
 12 (4) A vending machine.
 13 (5) A beverage dispenser.
 14 **(c) As used in this section, "political subdivision" means a**
 15 **county, township, city, or town.**
 16 ~~(c)~~ **(d)** As used in this section, "vending machine" means a
 17 self-service device that, upon activation, such as through the insertion
 18 of:
 19 (1) a coin;
 20 (2) paper currency;
 21 (3) a token;
 22 (4) a card; or
 23 (5) a key;
 24 or by optional manual operation, dispenses unit servings of food in bulk
 25 or in packages without the necessity of replenishing the device between
 26 each vending operation.
 27 ~~(d)~~ **(e)** Notwithstanding any other state law or administrative rule,
 28 the owner or operator of a micro market is not required to have a
 29 person in charge present at the micro market, as otherwise required
 30 under 410 IAC 7-24 or under any successor rule adopted by the state
 31 department, if the following requirements are met:
 32 (1) The following security measures are used for the micro
 33 market:
 34 (A) The micro market location includes video surveillance that
 35 operates on a twenty-four (24) hour per day, seven (7) day per
 36 week basis and:
 37 (i) records consumers viewing, selecting, handling, and
 38 purchasing products from the micro market; and
 39 (ii) provides sufficient resolution to identify consumers
 40 described in item (i).
 41 (B) The video surveillance recordings described in clause (A)
 42 are:



- 1 (i) maintained; and
 2 (ii) available for inspection upon request by the state
 3 department or another applicable regulatory agency;
 4 for fourteen (14) days after the date of the surveillance.
 5 (C) A video surveillance recording requested for inspection
 6 under clause (B) is made available to the state department or
 7 other requesting regulatory agency not later than twenty-four
 8 (24) hours after the time the request is received by the owner
 9 or operator of the micro market.
 10 (D) The automated self-checkout equipment used in the micro
 11 market has the capability to match a purchase with the
 12 consumer who made the purchase.
- 13 (2) The only food sold at the micro market is commercially
 14 prepackaged food or ready to eat fruit.
- 15 (3) Prepackaged food sold at the micro market is contained in
 16 tamper evident packaging.
- 17 (4) Prepackaged food sold at the micro market contains the
 18 following information on its packaging:
 19 (A) Except as exempted under the federal Food, Drug, and
 20 Cosmetic Act (21 U.S.C. 301 et seq.), nutrition labeling for the
 21 food as specified in 21 CFR 101 and 9 CFR 317, Subpart B.
 22 (B) A freshness or expiration date.
 23 (C) The labeling requirements set forth in 410 IAC 7-24-146
 24 or in any successor rule adopted by the state department.
- 25 (5) Refrigerated or frozen food sold in the micro market is stored
 26 in a refrigerated cooler or freezer that:
 27 (A) maintains an internal temperature:
 28 (i) of forty-one (41) degrees Fahrenheit or less; or
 29 (ii) as otherwise necessary for food safety, as established by
 30 the state department;
 31 (B) has self-closing doors;
 32 (C) allows the food to be viewed without opening the door to
 33 the refrigerated cooler or freezer; and
 34 (D) has an automatic self-locking feature that prevents a
 35 consumer from accessing the food upon the occurrence of any
 36 condition (including a power failure or mechanical failure)
 37 that results in the failure of the refrigerated cooler or freezer to
 38 maintain the internal temperature set forth in clause (A).
- 39 (6) There is a sign that:
 40 (A) is posted at the location of the micro market;
 41 (B) is readily visible from the automated payment kiosk; and
 42 (C) contains the following information that is printed entirely



1 in English and that may also, at the discretion of the owner or
 2 operator of the micro market, be printed in any other prevalent
 3 language of the customers of the micro market:

4 (i) The name of the owner or operator of the micro market to
 5 whom complaints and comments concerning the micro
 6 market may be addressed.

7 (ii) The business address of the owner or operator of the
 8 micro market.

9 (iii) The telephone number of the owner or operator of the
 10 micro market.

11 (iv) The electronic mail address and Internet web site
 12 information for the owner or operator of the micro market,
 13 as applicable.

14 **(f) Subject to subsection (k), the annual permit fee for a micro
 15 market shall not exceed sixty dollars (\$60).**

16 **(g) Subject to subsection (k), the annual permit fee for a vending
 17 machine shall not exceed eight dollars (\$8).**

18 **(h) A political subdivision may not charge an installation fee for
 19 a micro market or a vending machine.**

20 **(i) Any provision of an ordinance, measure, enactment, rule, or
 21 policy or exercise of proprietary authority by a political
 22 subdivision or an employee or agency of a political subdivision
 23 acting in an official capacity that modifies or conflicts with
 24 subsection (f), (g), or (h) is void.**

25 **(j) Beginning July 1, 2020, the renewal date for an annual micro
 26 market permit or vending machine permit is June 1.**

27 **(k) The person or entity responsible for the collection of a
 28 permit fee described in subsection (f) or (g) for a political
 29 subdivision may pro rate or adjust, as applicable, a fee described
 30 in subsection (f) or (g) for the purpose of:**

31 **(1) complying with subsections (f) and (g); and**

32 **(2) synchronizing all micro market and vending machine
 33 renewal cycles.**

