

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6091**

**BILL NUMBER:** HB 1056

**NOTE PREPARED:** Oct 21, 2004

**BILL AMENDED:**

**SUBJECT:** Food Handler Exemption.

**FIRST AUTHOR:** Rep. Duncan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that certain nonprofit organizations that offer food for sale at an event held for the benefit of the organization are not required to use certified food handlers.

**Effective Date:** January 1, 2005 (retroactive).

**Explanation of State Expenditures:**

**Explanation of State Revenues:** This bill provides an exemption for certain nonprofit organizations from rules which become effective in 2005 requiring the use of certified food handlers. The impact to the state would be from the potential loss of monetary penalties for noncompliance which otherwise might be collected.

*Background:* Monetary penalties provided under the State Department of Health rules promulgated at 410 IAC 7-22-19 include fines that have a maximum penalty of up to \$100 per day for noncompliance. The certified food handler requirements become effective January 1, 2005. Consequently, no penalties have been assessed. Once implemented, any penalties will be deposited in the state General Fund.

**Explanation of Local Expenditures:** Local health officers are responsible for the enforcement of the certified food handler requirements. Enforcement actions may be one of two options. The local health officer may (1) furnish evidence to the local prosecutor or (2) file a report with the State Department of Health. This bill would exempt certain nonprofit organizations, relieving the local health officers from enforcement of the State Department of Health rules regarding the requirement for the presence of certified food handlers.

**Explanation of Local Revenues:**

**State Agencies Affected:** The State Department of Health.

**Local Agencies Affected:** Local health officers.

**Information Sources:** Zach Cattell, Legislative Liaison for the State Department of Health, (317) 233-2170.

**Fiscal Analyst:** Kathy Norris, 317-234-1360