



Reprinted  
January 19, 2005

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## HOUSE BILL No. 1056

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DIGEST OF HB 1056 (Updated January 18, 2005 2:26 pm - DI 77)

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

**Synopsis:** Food handler exemption. Provides that the certified food handler requirements do not apply to food provided by an area agency on aging's nutrition service program or by a food pantry. 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:** January 1, 2005 (retroactive).

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**Duncan, Budak, Cherry, Austin**

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January 4, 2005, read first time and referred to Committee on Public Health.  
January 11, 2005, amended, reported — Do Pass.  
January 18, 2005, read second time, amended, ordered engrossed.

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HB 1056—LS 6091/DI 110+



Reprinted  
January 19, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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## HOUSE BILL No. 1056

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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 16-42-5.2-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:  
3 Sec. 3. This chapter does not apply to the following:  
4 (1) Hospitals licensed under IC 16-21.  
5 (2) Health facilities licensed under IC 16-28.  
6 (3) Housing with services establishments that are required to file  
7 disclosure statements under IC 12-10-15.  
8 (4) Continuing care retirement communities required to file  
9 disclosure statements under IC 23-2-4.  
10 (5) Community mental health centers (as defined in  
11 IC 12-7-2-38).  
12 (6) Private mental health institutions licensed under IC 12-25.  
13 (7) **An area agency on aging designated under IC 12-10-1 that**  
14 **provides food under a nutrition service program. However,**  
15 **the premises where the food is prepared is not exempt from**  
16 **the requirements under this chapter.**  
17 (8) A food pantry that:

HB 1056—LS 6091/DI 110+



1           **(A) is operated or affiliated with a nonprofit organization**  
 2           **that is exempt from federal income taxation under Section**  
 3           **501(c)(3) of the Internal Revenue Code; and**  
 4           **(B) distributes food, which may include food from the**  
 5           **United States Department of Agriculture, to needy persons.**  
 6           **However, a food bank or other facility that distributes**  
 7           **donated food to other organizations is not exempt from the**  
 8           **requirements of this chapter.**

9           SECTION 2. IC 16-42-5.2-3.5 IS ADDED TO THE INDIANA  
 10          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11          [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 3.5. (a) An**  
 12          **organization that is exempt from the state gross retail tax under**  
 13          **IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or**  
 14          **IC 6-2.5-5-21(b)(1)(D) and that offers food for sale to the final**  
 15          **consumer at an event held for the benefit of the organization is**  
 16          **exempt from complying with the requirements of this chapter that**  
 17          **may be imposed upon the organization for that event if the**  
 18          **following conditions are met:**

- 19           **(1) Members of the organization prepare the food that will be**  
 20           **sold.**  
 21           **(2) Events conducted by the organization under this section**  
 22           **take place for not more than thirty (30) days in a calendar**  
 23           **year.**  
 24           **(3) Except for food that is prepared on site, the name of each**  
 25           **member who has prepared a food item is attached to the**  
 26           **container in which the food item has been placed.**

27          **(b) This section does not prohibit an exempted organization**  
 28          **from waiving the exemption and using a certified food handler.**

29          SECTION 3. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1056, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-42-5.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:  
Sec. 3. This chapter does not apply to the following:

- (1) Hospitals licensed under IC 16-21.
- (2) Health facilities licensed under IC 16-28.
- (3) Housing with services establishments that are required to file disclosure statements under IC 12-10-15.
- (4) Continuing care retirement communities required to file disclosure statements under IC 23-2-4.
- (5) Community mental health centers (as defined in IC 12-7-2-38).
- (6) Private mental health institutions licensed under IC 12-25.
- (7) An area agency on aging designated under IC 12-10-1 that provides food under a nutrition service program. However, the premises where the food is prepared is not exempt from the requirements under this chapter."**

Page 1, line 16, delete "The" and insert "**Except for food that is prepared on site, the**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1056 as introduced.)

BECKER, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1056 be amended to read as follows:

Page 1, between lines 16 and 17, begin a new line block indented and insert:

**"(8) A food pantry that:**

**(A) is operated or affiliated with a nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and**

**(B) distributes food, which may include food from the United States Department of Agriculture, to needy persons. However, a food bank or other facility that distributes donated food to other organizations is not exempt from the requirements of this chapter."**

(Reference is to HB 1056 as printed January 12, 2005.)

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