

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1056 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 16-42-5.2-2 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:  
5 Sec. 2. **(a) Except as provided in subsection (b)**, this chapter does not  
6 apply to a food establishment when the food establishment's food  
7 handling activities are limited solely to one (1) or more of the  
8 following:  
9           (1) Heating or serving precooked ~~hot dog or sausage products,~~  
10 ~~popcorn, nachos, pretzels, or frozen pizza.~~ **foods.**  
11           (2) Preparing or serving a continental breakfast such as rolls,  
12 coffee, juice, milk, and cold cereal.  
13           (3) Preparing or serving nonalcoholic or alcoholic beverages **that**  
14 **are not potentially hazardous beverages** or ice.  
15           ~~(4) Grinding coffee beans.~~  
16           ~~(5) Packaging~~ **(4) Preparing or serving packaged or**  
17 **unpacked** foods that are not potentially hazardous foods, ~~in~~  
18 ~~accordance with rules adopted by the executive board: including~~  
19 **elephant ears, funnel cakes, cotton candy, confectionaries,**  
20 **baked goods, popcorn, and chips and grinding coffee beans;**  
21 ~~(6) Heating when it is the only preparation step for a bakery~~  
22 ~~product.~~  
23           ~~(7)~~ **(5) Providing prepackaged food in its original package.**  
24           **(b) This subsection does not apply to a pharmacy that is a food**  
25 **establishment that provides only prepackaged food products for**  
26 **sale. A food establishment that has more than ten thousand**  
27 **(10,000) square feet in total retail sales space at the food**  
28 **establishment location must comply with this chapter."**  
29           Re-number all SECTIONS consecutively.  
              (Reference is to EHB 1056 as printed April 1, 2005.)

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Senator WEATHERWAX