

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1309, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 16-18-2-137, AS AMENDED BY P.L.3-2008,
3 SECTION 105, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 137. (a) "Food establishment",
5 for purposes of IC 16-42-5 and IC 16-42-5.2, means any building,
6 room, basement, vehicle of transportation, cellar, or open or enclosed
7 area occupied or used for handling food.
8 (b) The term does not include the following:
9 (1) A dwelling where food is prepared on the premises by the
10 occupants, free of charge, for their consumption or for
11 consumption by their guests.
12 (2) A gathering of individuals at a venue of an organization that
13 is organized for educational purposes in a nonpublic educational
14 setting or for religious purposes, if:
15 (A) the individuals separately or jointly provide or prepare,
16 free of charge, and consume their own food or that of others
17 attending the gathering; and
18 (B) the gathering is for a purpose of the organization.
19 Gatherings for the purpose of the organization include funerals,
20 wedding receptions, christenings, bar or bat mitzvahs, baptisms,
21 communions, and other events or celebrations sponsored by the

- 1 organization.
- 2 (3) A vehicle used to transport food solely for distribution to the
- 3 needy, either free of charge or for a nominal donation.
- 4 (4) A private gathering of individuals who separately or jointly
- 5 provide or prepare and consume their own food or that of others
- 6 attending the gathering, regardless of whether the gathering is
- 7 held on public or private property.
- 8 (5) Except for food prepared by a for-profit entity, a venue of the
- 9 sale of food prepared **for an the** organization:
- 10 (A) that is organized for:
- 11 (i) religious purposes; or
- 12 (ii) educational purposes in a nonpublic educational setting;
- 13 (B) that is exempt from taxation under Section 501 of the
- 14 Internal Revenue Code; and
- 15 (C) that offers the food for sale to the final consumer at an
- 16 event held for the benefit of the organization;
- 17 unless the food is being provided in a restaurant or a cafeteria
- 18 with an extensive menu of prepared foods.
- 19 (6) Except for food prepared by a for-profit entity, an Indiana
- 20 nonprofit organization that:
- 21 (A) is organized for civic, fraternal, veterans, or charitable
- 22 purposes;
- 23 (B) is exempt from taxation under Section 501 of the Internal
- 24 Revenue Code; and
- 25 (C) offers food for sale to the final consumer at an event held
- 26 for the benefit of the organization;
- 27 if the events conducted by the organization take place for not
- 28 more than fifteen (15) days in a calendar year.
- 29 **(7) A farmer's market or roadside stand if the food product:**
- 30 **(A) is made by an individual in the individual's primary**
- 31 **residence;**
- 32 **(B) includes a label that contains the following**
- 33 **information:**
- 34 **(i) The name and address of the producer of the food**
- 35 **product.**
- 36 **(ii) The common or usual name of the food product.**
- 37 **(iii) The ingredients of the food product, in descending**
- 38 **order by predominance by weight.**
- 39 **(iv) The net weight and volume of the food product by**
- 40 **standard measure or numerical count.**
- 41 **(v) The date the food product was processed.**
- 42 **(vi) The following statement in at least 10 point type:**

1 **"This product is home produced and processed and the**
2 **production area has not been inspected by the state**
3 **department of health.";**
4 **(C) is prepared by an individual who practices proper**
5 **sanitary procedures, including:**
6 **(i) proper hand washing;**
7 **(ii) sanitation of the jar and packaging item holding the**
8 **food product; and**
9 **(iii) safe storage of the food product; and**
10 **(D) is not resold."**

11 Delete pages 2 through 4.

12 Page 5, delete lines 1 through 5.

13 Re-number all SECTIONS consecutively.

(Reference is to HB 1309 as reprinted February 17, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Miller, Chairperson