

# HOUSE BILL No. 1258

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-42-5.1.

**Synopsis:** Mobile retail food establishments. Requires a local health department to: (1) establish standards for the issuance of a mobile retail food establishment permit (permit) and the inspection and operation of a mobile retail food establishment; (2) prescribe a permit application form; and (3) establish an annual permit fee and inspection fee. Requires a local health department, not later than January 1, 2025, to begin: (1) receiving applications for mobile retail food establishments; (2) collecting annual permit fees and inspection fees; (3) issuing mobile retail food establishment permits; and (4) conducting inspections of mobile retail food establishments. Sets forth limitations on permit fees and inspection fees. Provides that, beginning January 1, 2025, a person may not operate a mobile retail food establishment within the jurisdiction of a local health department unless the person obtains a permit from the local health department.

**Effective:** July 1, 2024.

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January 9, 2024, read first time and referred to Committee on Public Health.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1258

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 16-18-2-211, AS AMENDED BY P.L.208-2015,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 211. (a) "Local health department", except as  
4 provided in subsection (b), means a department organized by a county  
5 or city executive with a board, a health officer, and an operational staff  
6 to provide health services to a county, city, or multiple county unit.  
7 (b) "Local health department", for purposes of IC 16-41-7.5, has the  
8 meaning set forth in IC 16-41-7.5-1.  
9 (c) **"Local health department", for purposes of IC 16-42-5.1, has**  
10 **the meaning set forth in IC 16-42-5.1-1.**  
11 SECTION 2. IC 16-18-2-239.3 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2024]: **Sec. 239.3. "Mobile retail food**  
14 **establishment", for purposes of IC 16-42-5.1, has the meaning set**  
15 **forth in IC 16-42-5.1-2.**  
16 SECTION 3. IC 16-18-2-239.4 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2024]: **Sec. 239.4. "Mobile retail food**  
2 **establishment permit"**, for purposes of IC 16-42-5.1, has the  
3 **meaning set forth in IC 16-42-5.1-3.**

4 SECTION 4. IC 16-42-5.1 IS ADDED TO THE INDIANA CODE  
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2024]:

7 **Chapter 5.1. Mobile Retail Food Establishments**

8 **Sec. 1. As used in this chapter, "local health department" refers**  
9 **to:**

- 10 (1) a local health department established under IC 16-20; or  
11 (2) the health and hospital corporation created under  
12 IC 16-22-8.

13 **Sec. 2. (a) As used in this chapter, "mobile retail food**  
14 **establishment" means a retail food establishment that is readily**  
15 **moveable.**

16 **(b) The term includes a retail food establishment that:**

- 17 (1) has wheels;  
18 (2) is on skids;  
19 (3) is mounted on a vehicle; or  
20 (4) is a marine vessel.

21 **Sec. 3. As used in this chapter, "mobile retail food establishment**  
22 **permit" refers to a permit issued by a local health department for**  
23 **the operation of a mobile retail food establishment.**

24 **Sec. 4. (a) A local health department shall do the following:**

- 25 (1) Establish standards for the issuance of a mobile retail food  
26 establishment permit and inspection of a mobile retail food  
27 establishment by the local health department.  
28 (2) Establish standards for the operation of a mobile retail  
29 food establishment.  
30 (3) Prescribe a form for use by an owner or operator to apply  
31 for a mobile retail food establishment permit.  
32 (4) Establish an annual fee:  
33 (A) to be paid with each application for the issuance or  
34 renewal of a mobile retail food establishment permit; and  
35 (B) that does not exceed one hundred fifty dollars (\$150).  
36 (5) Establish an inspection fee:  
37 (A) to be paid for each inspection of a mobile retail food  
38 establishment; and  
39 (B) that does not exceed twenty-five dollars (\$25).

40 **(b) In establishing the standards under subsection (a), a local**  
41 **health department shall require at least an annual inspection of a**  
42 **mobile retail food establishment to ensure compliance with the**



- 1 standards.
- 2 **Sec. 5. (a) Not later than January 1, 2025, a local health**
- 3 **department shall begin:**
- 4 (1) receiving applications for mobile retail food establishment
- 5 permits;
- 6 (2) collecting annual permit fees and inspection fees;
- 7 (3) issuing a mobile retail food establishment permit; and
- 8 (4) conducting inspections of mobile retail food
- 9 establishments.
- 10 (b) Beginning January 1, 2025, a person may not operate a
- 11 mobile retail food establishment within the jurisdiction of a local
- 12 health department unless the person obtains a permit from the
- 13 local health department.
- 14 **Sec. 6. (a) A local health department may conduct more than**
- 15 **one (1) inspection of a mobile retail food establishment.**
- 16 (b) The total amount of fees charged by a local health
- 17 department for inspecting each mobile retail food establishment
- 18 may not exceed two hundred dollars (\$200) annually.
- 19 (c) If a mobile retail food establishment fails an inspection
- 20 conducted by the local health department, the amount of the fee
- 21 may not be included in the total amount of fees described in
- 22 subsection (b).
- 23 **Sec. 7. A mobile retail food establishment permit issued by a**
- 24 **local health department under this chapter:**
- 25 (1) is in effect for one (1) year;
- 26 (2) may be renewed annually by the owner or operator of a
- 27 mobile retail food establishment that continues to meet the
- 28 standards established by the local health department under
- 29 this chapter; and
- 30 (3) authorizes the owner or operator to operate a mobile retail
- 31 food establishment within the jurisdiction of the local health
- 32 department.

