



February 23, 2024

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# ENGROSSED HOUSE BILL No. 1258

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DIGEST OF HB 1258 (Updated February 21, 2024 9:57 am - DI 140)

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

**Synopsis:** Mobile retail food establishments. Requires a local health department to: (1) issue a mobile retail food establishment permit and inspect a mobile retail food establishment in accordance with administrative rules adopted by the Indiana department of health (state department); and (2) 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. Provides that a local health department may not adopt standards concerning mobile retail food establishments that are more stringent than the rules adopted by the state department.

**Effective:** July 1, 2024.

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## King, Sweet, Barrett

(SENATE SPONSORS — JOHNSON T, CHARBONNEAU, DONATO,  
FORD J.D.)

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January 9, 2024, read first time and referred to Committee on Public Health.  
January 30, 2024, amended, reported — Do Pass.  
February 1, 2024, read second time, ordered engrossed. Engrossed.  
February 5, 2024, read third time, passed. Yeas 74, nays 22.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Health and Provider Services.  
February 22, 2024, reported favorably — Do Pass.

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EH 1258—LS 6853/DI 147





February 23, 2024

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.

## ENGROSSED HOUSE BILL No. 1258

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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 16-18-2-211, 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

**EH 1258—LS 6853/DI 147**



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 local health department shall:**

25 (1) issue a mobile retail food establishment permit; and  
 26 (2) inspect a mobile retail food establishment;  
 27 in accordance with rules adopted by the state department under  
 28 IC 4-22-2.

29 **(b) A local health department shall do the following:**

- 30 (1) Establish an annual fee:  
 31 (A) to be paid with each application for the issuance or  
 32 renewal of a mobile retail food establishment permit; and  
 33 (B) that does not exceed one hundred fifty dollars (\$150).  
 34 (2) Establish an inspection fee:  
 35 (A) to be paid for each inspection of a mobile retail food  
 36 establishment; and  
 37 (B) that does not exceed fifty dollars (\$50).

38 **Sec. 5. (a) Not later than January 1, 2025, a local health**  
 39 **department shall begin:**

- 40 (1) receiving applications for mobile retail food establishment  
 41 permits;  
 42 (2) collecting annual permit fees and inspection fees;



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



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1258, 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 2, delete lines 24 through 42, begin a new paragraph and insert:

**"Sec. 4. A local health department shall:**

- (1) issue a mobile retail food establishment permit; and**
- (2) inspect a mobile retail food establishment;**

**in accordance with rules adopted by the state department under IC 4-22-2.**

**(b) A local health department shall do the following:**

- (1) Establish an annual fee:**
  - (A) to be paid with each application for the issuance or renewal of a mobile retail food establishment permit; and**
  - (B) that does not exceed one hundred fifty dollars (\$150).**
- (2) Establish an inspection fee:**
  - (A) to be paid for each inspection of a mobile retail food establishment; and**
  - (B) that does not exceed fifty dollars (\$50)."**

Page 3, delete line 1.

Page 3, between lines 22 and 23, begin a new paragraph and insert:

**"Sec. 7. A local health department may not adopt standards concerning mobile retail food establishments that are more stringent than the rules adopted by the state department under IC 4-22-2."**

Page 3, line 23, delete "Sec. 7." and insert **"Sec. 8."**

and when so amended that said bill do pass.

(Reference is to HB 1258 as introduced.)

BARRETT

Committee Vote: yeas 8, nays 0.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1258 as printed January 30, 2024.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0

