

HOUSE BILL No. 1297

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-3.5-5-3; IC 5-10.2-2; IC 24-5-23.6; IC 24-6.

Synopsis: Trade regulation. Repeals the Indiana Code chapter that establishes the five star mortgage program under which the department of financial institutions must: (1) certify lenders that offer certain residential mortgage products as "five star mortgage lenders"; and (2) allow lenders to use that designation in marketing materials and solicitations to Indiana customers. Strikes references to the program in sections of the Indiana Code concerning: (1) alternative investment programs for the legislators' defined contribution fund; (2) investments in mortgage pools by the board of trustees of the Indiana public retirement system; and (3) alternative investment programs for annuity savings accounts in the public employees' retirement fund. Makes various changes to the statutes governing the state and local weights and measures program administered by the division of weight and measures of the state department of health to do the following: (1) Remove or replace outdated terminology. (2) Update practices, procedures, and requirements. (3) Repeal the existing Indiana Code section concerning the offering for sale and packaging of commodities (including vegetables, berries, and small fruits) and replace the section with language concerning the offering for sale and packaging of berries and small fruits. (4) Repeal the existing Indiana Code chapter concerning grades for sweet potatoes.

Effective: July 1, 2022.

**Davisson J., Miller D, Karickhoff,
Campbell**

January 11, 2022, read first time and referred to Committee on Financial Institutions and Insurance.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1297

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-3.5-5-3, AS AMENDED BY P.L.179-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 3. (a) The board shall establish alternative
4 investment programs within the fund, based on the following
5 requirements:

6 (1) The board shall maintain at least one (1) alternative
7 investment program that is an indexed stock fund, one (1)
8 alternative investment program that is a bond fund, and one (1)
9 alternative investment program that is a stable value fund. ~~The~~
10 ~~board may maintain one (1) or more alternative investment~~
11 ~~programs that:~~

12 (A) ~~invest in one (1) or more commingled or pooled funds that~~
13 ~~consist in part or entirely of mortgages that qualify as five star~~
14 ~~mortgages under the program established by IC 24-5-23.6; or~~
15 (B) ~~otherwise invest in mortgages that qualify as five star~~
16 ~~mortgages under the program established by IC 24-5-23.6.~~

17 (2) The programs should represent a variety of investment



- 1 objectives.
- 2 (3) The programs may not permit a participant to withdraw money
- 3 from the participant's account, except as provided in section 6 of
- 4 this chapter.
- 5 (4) All administrative costs of each alternative program shall be
- 6 paid from the earnings on that program.
- 7 (5) A valuation of each participant's account must be completed
- 8 as of:
- 9 (A) the last day of each quarter; or
- 10 (B) a time that the board may specify by rule.
- 11 (b) A participant shall direct the allocation of the amount credited
- 12 to the participant among the available alternative investment funds,
- 13 subject to the following conditions:
- 14 (1) A participant may make a selection or change an existing
- 15 selection under rules established by the board. The board shall
- 16 allow a participant to make a selection or change any existing
- 17 selection at least once each quarter.
- 18 (2) The board shall implement the participant's selection
- 19 beginning on the first day of the next calendar quarter that begins
- 20 at least thirty (30) days after the selection is received by the board
- 21 or on an alternate date established by the rules of the board. This
- 22 date is the effective date of the participant's selection.
- 23 (3) A participant may select any combination of the available
- 24 investment funds, in ten percent (10%) increments or smaller
- 25 increments that may be established by the rules of the board.
- 26 (4) A participant's selection remains in effect until a new selection
- 27 is made.
- 28 (5) On the effective date of a participant's selection, the board
- 29 shall reallocate the participant's existing balance or balances in
- 30 accordance with the participant's direction, based on the market
- 31 value on the effective date.
- 32 (6) If a participant does not make an investment selection of the
- 33 alternative investment programs, the participant's account shall be
- 34 invested in a target date fund as determined by the rules of the
- 35 board.
- 36 (7) All contributions to the participant's account shall be allocated
- 37 as of the last day of the quarter in which the contributions are
- 38 received or at an alternate time established by the rules of the
- 39 board in accordance with the participant's most recent effective
- 40 direction. The board shall not reallocate the participant's account
- 41 at any other time.
- 42 (c) When a participant transfers the amount credited to the



1 participant from one (1) alternative investment program to another
 2 alternative investment program, the amount credited to the participant
 3 shall be valued at the market value of the participant's investment, as
 4 of the day before the effective date of the participant's selection or at an
 5 alternate time established by the rules of the board. When a participant
 6 retires, becomes disabled, dies, or withdraws from the fund, the amount
 7 credited to the participant shall be the market value of the participant's
 8 investment as of the last day of the quarter preceding the participant's
 9 distribution or annuitization at retirement, disability, death, or
 10 withdrawal, plus contributions received after that date or at an alternate
 11 time established by the rules of the board.

12 (d) The board shall determine the value of each alternative program
 13 in the defined contribution fund, as of the last day of each calendar
 14 quarter, as follows:

15 (1) The market value shall exclude the employer contributions
 16 and employee contributions received during the quarter ending on
 17 the current allocation date.

18 (2) The market value as of the immediately preceding quarter end
 19 date shall include the employer contributions and employee
 20 contributions received during that preceding quarter.

21 (3) The market value as of the immediately preceding quarter end
 22 date shall exclude benefits paid from the fund during the quarter
 23 ending on the current quarter end date.

24 SECTION 2. IC 5-10.2-2-2.5, AS AMENDED BY P.L.35-2012,
 25 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 2.5. (a) The board may establish investment
 27 guidelines and limits on all types of investments (including, but not
 28 limited to, stocks and bonds) and take other actions necessary to fulfill
 29 its duty as a fiduciary for all assets under its control, subject to the
 30 limitations and restrictions set forth in section 18 of this chapter,
 31 IC 5-10.3-5-3, IC 5-10.4-3-10, and IC 5-10.5-5.

32 (b) The board may commingle or pool assets with the assets of any
 33 other persons or entities. This authority includes, but is not limited to,
 34 the power to invest in commingled or pooled funds, partnerships, or
 35 mortgage pools. ~~including pools that consist in part or entirely of~~
 36 ~~mortgages that qualify as five star mortgages under the program~~
 37 ~~established by IC 24-5-23-6.~~ In the event of any such investment, the
 38 board shall keep separate detailed records of the assets invested. Any
 39 decision to commingle or pool assets is subject to the limitations and
 40 restrictions set forth in IC 5-10.3-5-3, IC 5-10.4-3-10, and IC 5-10.5-5.

41 SECTION 3. IC 5-10.2-2-3, AS AMENDED BY P.L.212-2018(ss),
 42 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 3. (a) The annuity savings account consists of:

- 2 (1) the members' contributions; and
 3 (2) the interest credits on these contributions in the guaranteed
 4 fund (before January 1, 2017), the gain or loss in the balance of
 5 the member's account in the stable value fund (after December 31,
 6 2016), or the gain or loss in market value on these contributions
 7 in the alternative investment program, as specified in section 4 of
 8 this chapter (before its expiration).

9 Each member shall be credited individually with the amount of the
 10 member's contributions and interest credits.

11 (b) The board shall maintain the investment program in effect on
 12 December 31, 1995, (referred to in this chapter as the guaranteed
 13 program) within the annuity savings account until January 1, 2017. In
 14 addition, the board shall establish and maintain a guaranteed program
 15 within the 1996 account until January 1, 2017. After December 31,
 16 2016, the board shall establish an investment fund (referred to in this
 17 chapter as the stable value fund) that has preservation of capital as the
 18 primary investment objective. The board may establish investment
 19 guidelines and limits on all types of investments (including, but not
 20 limited to, stocks and bonds) and take other actions necessary to fulfill
 21 its duty as a fiduciary of the annuity savings account, subject to the
 22 limitations and restrictions set forth in IC 5-10.3-5-3, IC 5-10.4-3-10,
 23 and IC 5-10.5-5.

24 (c) The board shall establish alternative investment programs within
 25 the annuity savings account of the public employees' retirement fund,
 26 the pre-1996 account, and the 1996 account, based on the following
 27 requirements:

- 28 (1) The board shall maintain at least one (1) alternative
 29 investment program that is an indexed stock fund and one (1)
 30 alternative investment program that is a bond fund. ~~The board
 31 may maintain one (1) or more alternative investment programs
 32 that:~~

- 33 ~~(A) invest in one (1) or more commingled or pooled funds that
 34 consist in part or entirely of mortgages that qualify as five star
 35 mortgages under the program established by IC 24-5-23.6; or
 36 (B) otherwise invest in mortgages that qualify as five star
 37 mortgages under the program established by IC 24-5-23.6.~~

- 38 (2) The programs should represent a variety of investment
 39 objectives under IC 5-10.3-5-3.

- 40 (3) No program may permit a member to withdraw money from
 41 the member's account except as provided in IC 5-10.2-3 and
 42 IC 5-10.2-4.



- 1 (4) All administrative costs of each alternative program shall be
 2 paid from the earnings on that program or as may be determined
 3 by the rules of the board.
- 4 (5) Except as provided in section 4(e) of this chapter (before its
 5 expiration), a valuation of each member's account must be
 6 completed as of:
- 7 (A) the last day of each quarter; or
 8 (B) another time as the board may specify by rule.
- 9 (d) The board must prepare, at least annually, an analysis of the
 10 guaranteed program (before January 1, 2017), the stable value fund
 11 (after December 31, 2016), and each alternative investment program.
 12 This analysis must:
- 13 (1) include a description of the procedure for selecting an
 14 alternative investment program;
 15 (2) be understandable by the majority of members; and
 16 (3) include a description of prior investment performance.
- 17 (e) A member may direct the allocation of the amount credited to
 18 the member among the guaranteed fund (before January 1, 2017), the
 19 stable value fund (after December 31, 2016), and any available
 20 alternative investment funds, subject to the following conditions:
- 21 (1) A member may make a selection or change an existing
 22 selection under rules established by the board. The board shall
 23 allow a member to make a selection or change any existing
 24 selection at least once each quarter.
- 25 (2) The board shall implement the member's selection beginning
 26 on the first day of the next calendar quarter that begins at least
 27 thirty (30) days after the selection is received by the board or on
 28 an alternate date established by the rules of the board. This date
 29 is the effective date of the member's selection.
- 30 (3) A member may select any combination of the guaranteed fund
 31 (before January 1, 2017), the stable value fund (after December
 32 31, 2016), or any available alternative investment funds, in ten
 33 percent (10%) increments or smaller increments that may be
 34 established by the rules of the board.
- 35 (4) A member's selection remains in effect until a new selection
 36 is made.
- 37 (5) On the effective date of a member's selection, the board shall
 38 reallocate the member's existing balance or balances in
 39 accordance with the member's direction, based on:
- 40 (A) for an alternative investment program balance, the market
 41 value on the effective date;
 42 (B) for any guaranteed program balance, the account balance



1 on the effective date; and

2 (C) for any stable value fund program balance, the balance of
3 the member's account on the effective date.

4 All contributions to the member's account shall be allocated as of
5 the last day of that quarter or at an alternate time established by
6 the rules of the board in accordance with the member's most
7 recent effective direction. The board shall not reallocate the
8 member's account at any other time.

9 (6) The provisions concerning the transition from the guaranteed
10 program to the stable value fund program are met, as set forth in
11 section 24 of this chapter.

12 (f) When a member who participates in an alternative investment
13 program transfers the amount credited to the member from one (1)
14 alternative investment program to another alternative investment
15 program, to the guaranteed program (before January 1, 2017), or to the
16 stable value fund program (after December 31, 2016), the amount
17 credited to the member shall be valued at the market value of the
18 member's investment, as of the day before the effective date of the
19 member's selection or at an alternate time established by the rules of
20 the board. When a member who participates in an alternative
21 investment program retires, becomes disabled, dies, or suspends
22 membership and withdraws from the fund, the amount credited to the
23 member shall be the market value of the member's investment as of the
24 last day of the quarter preceding the member's distribution or
25 annuitization at retirement, disability, death, or suspension and
26 withdrawal, plus contributions received after that date or at an alternate
27 time established by the rules of the board.

28 (g) This subsection applies before January 1, 2017. When a member
29 who participates in the guaranteed program transfers the amount
30 credited to the member to an alternative investment program, the
31 amount credited to the member in the guaranteed program is computed
32 without regard to market value and is based on the balance of the
33 member's account in the guaranteed program as of the last day of the
34 quarter preceding the effective date of the transfer. However, the board
35 may by rule provide for an alternate valuation date. When a member
36 who participates in the guaranteed program retires, becomes disabled,
37 dies, or suspends membership and withdraws from the fund, the
38 amount credited to the member shall be computed without regard to
39 market value and is based on the balance of the member's account in
40 the guaranteed program as of the last day of the quarter preceding the
41 member's distribution or annuitization at retirement, disability, death,
42 or suspension and withdrawal, plus any contributions received since



1 that date plus interest since that date. However, the board may by rule
2 provide for an alternate valuation date.

3 (h) This subsection applies after December 31, 2016. When a
4 member who participates in the stable value fund program transfers the
5 amount credited to the member from the stable value fund program to
6 an alternative investment program, the amount credited to the member
7 shall be the balance of the member's account, as of the day before the
8 effective date of the member's selection or at an alternate time
9 established by the rules of the board. When a member who participates
10 in the stable value fund program retires, becomes disabled, dies, or
11 suspends membership and withdraws from the fund, the amount
12 credited to the member shall be the balance of the member's account as
13 of the last day of the quarter preceding the member's distribution or
14 annuitization at retirement, disability, death, or suspension and
15 withdrawal, plus contributions received after that date or at an alternate
16 time established by the rules of the board.

17 SECTION 4. IC 24-5-23.6 IS REPEALED [EFFECTIVE JULY 1,
18 2022]. (Five Star Mortgages).

19 SECTION 5. IC 24-6-1-1, AS AMENDED BY P.L.136-2018,
20 SECTION 140, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The avoirdupois weight of
22 ~~beef or pork in each barrel shall be two hundred (200) pounds; and of~~
23 ~~flour in each barrel, one hundred and ninety-six (196) pounds; of~~
24 sorghum molasses, eleven (11) pounds per gallon; of maple molasses,
25 eleven (11) pounds per gallon; of hay, straw, ice, coal or coke, two
26 thousand (2,000) pounds shall be given and taken for a ton. A bushel
27 of the respective articles described in this section shall mean the
28 amount of weight, avoirdupois, in this section specified, as follows:

29 Of wheat, sixty (60) pounds;

30 Of oats, thirty-two (32) pounds;

31 Of buckwheat, fifty (50) pounds;

32 Of popcorn, fifty-six (56) pounds;

33 Of cornmeal, fifty (50) pounds;

34 Of shelled corn, fifty-six (56) pounds;

35 Of corn in the ear until December 1, seventy (70) pounds; corn in
36 the ear after December 1, sixty-eight (68) pounds;

37 Of rye, fifty-six (56) pounds;

38 Of barley, forty-eight (48) pounds;

39 Of malt rye, thirty-five (35) pounds;

40 Of flax seed, fifty-six (56) pounds;

41 Of kaffir corn, fifty-six (56) pounds;

42 Of rough rice, forty-five (45) pounds;



- 1 Of beans, sixty (60) pounds;
- 2 Of cow peas, sixty (60) pounds;
- 3 Of soy soja beans, sixty (60) pounds;
- 4 Of clover seed, sixty (60) pounds;
- 5 Of hemp seed, forty-four (44) pounds;
- 6 Of sorghum seed, fifty (50) pounds;
- 7 Of blue grass seed, fourteen (14) pounds;
- 8 Of orchard grass seed, fourteen (14) pounds;
- 9 Of timothy seed, forty-five (45) pounds;
- 10 Of millet, fifty (50) pounds;
- 11 Of herds-grass seed, forty-five (45) pounds;
- 12 Of rape seed, fifty (50) pounds;
- 13 Of red top grass seed, fourteen (14) pounds;
- 14 Of alfalfa seed, sixty (60) pounds;
- 15 Of peaches, forty-eight (48) pounds;
- 16 Of dried peaches, thirty-three (33) pounds;
- 17 Of apples, forty-two (42) pounds;
- 18 Of dried apples, twenty-five (25) pounds;
- 19 Of quinces, forty-eight (48) pounds;
- 20 Of pears, fifty (50) pounds;
- 21 Of onions, fifty-seven (57) pounds;
- 22 Of beets, sixty (60) pounds;
- 23 Of carrots, fifty (50) pounds;
- 24 Of parsnips, fifty-five (55) pounds;
- 25 Of turnips, fifty-five (55) pounds;
- 26 Of tomatoes, sixty (60) pounds;
- 27 Of cucumbers, forty-eight (48) pounds;
- 28 Of potatoes, sixty (60) pounds;
- 29 Of sweet potatoes, fifty (50) pounds;
- 30 Of cranberries, thirty-three (33) pounds;
- 31 Of gooseberries, forty (40) pounds;
- 32 Of hickory nuts, fifty (50) pounds;
- 33 Of walnuts, fifty (50) pounds;
- 34 Of middlings, coarse, thirty (30) pounds;
- 35 Of bran, twenty (20) pounds;
- 36 Of coal, mineral, eighty (80) pounds;
- 37 Of charcoal, twenty (20) pounds;
- 38 Of coke, forty (40) pounds;
- 39 Of coarse salt, fifty (50) pounds;
- 40 Of fine salt, fifty-five (55) pounds.
- 41 (b) A person who buys or sells any of the articles or commodities
- 42 enumerated in this section at a measure or fraction of a measure



1 differing in the weight from the standard prescribed in this section
2 commits a Class B misdemeanor.

3 SECTION 6. IC 24-6-2-1, AS AMENDED BY P.L.137-2021,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2022]: Sec. 1. The several boards of county commissioners
6 **with local appointed inspectors** within this state ~~be, and they~~ are
7 hereby authorized and required to procure for their respective counties,
8 and at the expense of ~~the same~~, **a set their counties, sets of the**
9 ~~following~~ measures and weights for the use of their ~~county~~: **counties**
10 **and that is; one (1) measure of one (1) foot or twelve (12) inches;**
11 **English measure; so-called; also one (1) measure of three (3) feet; or**
12 **thirty-six (36) inches; as aforesaid; also; one half (1/2) bushel measure**
13 **for dry measure; which shall contain one thousand seventy-five and**
14 **one-fifth (1,075 1/5) solid inches; also one gallon measure; which shall**
15 **contain two hundred and thirty-one (231) solid inches; which measures**
16 **are to be of wood or of any metal the court may think proper; also; one**
17 **(1) set of weights commonly called avoirdupois weights; and sealed**
18 **with the name or initial letters of the county inscribed thereon; and**
19 **shall be kept by the county auditor of each and every county in this**
20 **state; are approved by the division of weights and measures** for the
21 purpose of trying and sealing the weights and measures used in their
22 counties.

23 SECTION 7. IC 24-6-3-2, AS AMENDED BY P.L.145-2006,
24 SECTION 156, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The division of weights and
26 measures shall take charge of the standards adopted by this chapter as
27 the standards of the state, cause them to be kept in a ~~fireproof~~
28 **belonging to leased, owned, or operated** by the state, and from which
29 they shall not be removed except for repairs or for certification, and
30 take all other necessary precautions for their safekeeping.

31 (b) The division shall maintain the state standards in good order and
32 shall submit them once in ten (10) years to ~~the a~~ National Institute of
33 Standards and Technology **(NIST) approved and accredited**
34 **metrology laboratory** for certification. The division or inspectors at
35 the division's direction, shall correct the standards of the several cities
36 and counties, and as often as once in two (2) years compare the same
37 with those in the division's possession, and where not otherwise
38 provided by law the division shall have the general supervision of the
39 weights, measures, and measuring and weighing devices in use in
40 Indiana.

41 (c) The division of weights and measures is also authorized to adopt
42 rules, specifications, and tolerances necessary for the enforcement of



1 this chapter. The division shall, upon the written request of any Indiana
 2 citizen, firm, corporation, limited liability company, or institution, test
 3 or calibrate weights, measures, weighing, or measuring devices and
 4 instruments or apparatus used as standards in Indiana. The division or
 5 inspectors at the division's direction, shall at least once annually test all
 6 scales, weights, and measures and devices used in checking the receipt
 7 or disbursement of supplies in every institution under the jurisdiction
 8 of the department of child services and the division shall report in
 9 writing the findings to the executive officer of the institution
 10 concerned.

11 (d) The division of weights and measures shall keep a complete
 12 record of the standards, balances, and other apparatus belonging to the
 13 state. ~~and take a receipt for the same from the successor in office to the~~
 14 ~~head of the division.~~

15 (e) The division or inspectors at the division's direction, shall at
 16 least once in two (2) years visit the various cities and counties in
 17 Indiana that have appointed sealers of weights and measures in order
 18 to inspect the work of the local sealers. In the performance of such
 19 duties, the division may inspect the weights, measures, balances, or any
 20 other weighing or measuring appliances of any person.

21 (f) The division of weights and measures shall issue from time to
 22 time rules for the guidance of state, county, and city sealers or
 23 inspectors. The rules shall govern the procedure to be followed by
 24 those officers in the discharge of their duties.

25 SECTION 8. IC 24-6-3-3 IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2022]: Sec. 3. The board of commissioners of
 27 every county of thirty thousand (30,000) population or more shall, and
 28 the board of commissioners of any county of less than thirty thousand
 29 (30,000) population may appoint a county inspector of weights and
 30 measures. No person shall be appointed as a county inspector of
 31 weights and measures in any county unless such person shall have been
 32 approved by the division of weights and measures of the state
 33 department of health, and no county inspector of weights and measures
 34 in any county shall be removed by the board of commissioners without
 35 the approval and consent of the division of weights and measures. The
 36 compensation of a county inspector of weights and measures shall be
 37 determined by the board and paid out of the county treasury. It shall not
 38 be obligatory upon the board of county commissioners of such counties
 39 containing a city or cities which are already provided with an inspector
 40 of weights and measures or city sealers to make such appointments,
 41 **unless the county population excluding the population of the city or**
 42 **cities is at least thirty thousand (30,000).** The board shall provide the



1 necessary apparatus and supplies for the said inspector of weights and
 2 measures and the county councils of such counties shall appropriate
 3 such sums of money as are necessary for the salary and maintenance of
 4 the office. Two (2) or more adjoining counties, by appropriate action
 5 of the boards of commissioners of such counties, may form an
 6 inspection district and provide by mutual agreement for the
 7 appointment of a district inspector of weights and measures. The
 8 compensation of such inspector shall be apportioned among the
 9 counties forming the district in proportion to the population thereof.

10 SECTION 9. IC 24-6-3-5 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2022]: Sec. 5. The county or city inspector of
 12 weights and measures when appointed shall be a deputy inspector
 13 under the direction of the division of weights and measures. The
 14 inspector shall take charge of and safely keep the county or city
 15 standards. When not otherwise provided by law, the county or city
 16 inspector of weights and measures shall have the power within the
 17 county or city to inspect, test, try and ascertain if they are correct, all
 18 weights, scales, beams, measures of every kind, instruments or
 19 mechanical devices for measurement and the tools, appliances or
 20 accessories, connected with any or all such instruments or
 21 measurements used or employed within the county or city by any
 22 proprietor, agent, lessee or employee in determining the size, quantity,
 23 extent or measurement of quantities, things, produce, articles for
 24 distribution or consumption offered or submitted by such person or
 25 persons for sale, for hire or award. The inspector shall at least once in
 26 each year and as much oftener as he may deem necessary see that the
 27 weights, measures and all apparatus used in the county or city are
 28 correct. The county or city inspector of weights and measures shall
 29 keep a complete record of the work done by the inspector and shall
 30 make a monthly and annual report to the division and the board of
 31 county commissioners or to the mayor. The annual report shall be ~~duly~~
 32 ~~sworn and~~ submitted to the division of weights and measures, not later
 33 than ~~the fifteenth of October.~~ **June 18 each year.** Upon appointment,
 34 the county or city inspector of weights and measures shall, in the
 35 manner prescribed by IC 5-4-1, give a bond for the faithful
 36 performance of the duties of the office. The county inspector of weights
 37 and measures shall have jurisdiction over the whole county except as
 38 to incorporated cities which have provided for a city inspector of
 39 weights and measures under the provisions of this chapter.

40 SECTION 10. IC 24-6-3-6 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. Only those persons
 42 shall be eligible to appointment to the position of county or city



1 inspectors of weights and measures who ~~on March 9, 1925, are county~~
 2 ~~or city sealers or inspectors of weights and measures or who~~ have
 3 passed an examination which shall be given by the division of weights
 4 and measures of the state department of health to test the ability of the
 5 person so examined to perform satisfactorily the duties of a county or
 6 city inspector of weights and measures. If it is evident to the division
 7 of weights and measures that any county or city inspector of weights
 8 and measures is not properly and faithfully performing the duties of the
 9 office, the division of weights and measures shall have power to
 10 discharge such county or city inspector of weights and measures. Such
 11 removal, however, shall not be made until five (5) days' notice of the
 12 charge or charges shall have been mailed to ~~him~~ **the county or city**
 13 **inspector** by the division, naming a time and place for a hearing not
 14 less than two (2) weeks later than the time of mailing such notice to the
 15 county or city inspector of weights and measures; provided, however,
 16 that any county or city inspector of weights and measures so removed
 17 by the division of weights and measures shall have the right to appeal
 18 from the action of the division to the circuit or superior court of the
 19 county in which such county or city inspector of weights and measures
 20 resides, and during the pendency of such appeal, such county or city
 21 inspector of weights and measures may serve in the inspector's official
 22 capacity. Any county or city inspector of weights and measures
 23 discharged as provided in this section shall be ineligible to hold the
 24 position of county or city inspector of weights and measures for four
 25 (4) years, and the vacancy shall be filled by the proper authorities as
 26 provided in this chapter.

27 SECTION 11. IC 24-6-3-7 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. Whenever the
 29 inspector of the city or county or the division of weights and measures,
 30 or the division's inspectors test and compare scales, weights, measures,
 31 or weighing or measuring devices and finds that they correspond with
 32 the standards in the inspector's possession, the inspector shall seal and
 33 mark such scales, weights, measures, or weighing and measuring
 34 devices by ~~stamping upon them~~ **tag, label, or stamp with** the letters
 35 "Ind. S.," meaning Indiana Standard, and the last two (2) figures of the
 36 year in which the same is done. If any scales, weights, measures, or
 37 weighing or measuring devices, or parts thereof, be found not to
 38 conform to the legal standard the same may be tagged by the inspector,
 39 ~~"condemned until repaired" which tag shall not be removed until said~~
 40 **indicating that the apparatus may not be used until it** is properly
 41 repaired. If the scales, weights, measures, or weighing or measuring
 42 devices, or parts thereof are found to be false and fraudulent, or can not



1 be made to conform to the legal standard, the same shall be condemned
2 and **may be** confiscated by the inspector.

3 SECTION 12. IC 24-6-3-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) The division of
5 weights and measures, the division's agents, deputies, or inspectors,
6 and the county and city inspectors of weights and measures may go into
7 or upon without formal warrant any stand, place, building or premises,
8 or may stop any vender, ~~peddler, junk dealer, coal wagon, ice wagon,~~
9 ~~or any dealer, or transport~~ for the purpose of making the proper test
10 and for the purpose of ascertaining the proper weights and measures of
11 all commodities found therein or thereon. Whenever the division, the
12 division's agents, deputies, or inspectors, or the county and city
13 inspectors of weights and measures find a violation of law relating to
14 weights and measures, the individual ~~shall~~ **may** cause the violator to be
15 prosecuted.

16 (b) No person may molest, hinder or obstruct in any way the
17 division of weights and measures, the division's agents, deputies, or
18 inspectors, or any county or city inspector of weights and measures in
19 the performance of official duties.

20 **(c) The owner or operator of a device is responsible for:**

21 **(1) supplying any:**

22 **(A) special facilities; or**

23 **(B) labor;**

24 **that may be needed to inspect, test, and seal the device; and**

25 **(2) transporting the testing equipment to and from the device;**
26 **as required by the weights and measures official.**

27 SECTION 13. IC 24-6-3-11 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. No person, firm,
29 limited liability company, or corporation shall use or retain in the
30 person's, firm's, company's, or corporation's possession any false scales,
31 weights, or measures or measuring device or any weight or measure or
32 weighing or measuring device in the buying or selling of any
33 commodity or thing or in calculating or measuring service, or dispose
34 of any condemned scales, weights, measures, or weighing or measuring
35 device, except in accordance with such rules, specifications, and
36 tolerances as may be adopted by the division of weights and measures
37 of the state department of health, ~~as provided in section 2 of this~~
38 ~~chapter~~, or remove any tag, stamp, or mark placed thereon by the
39 inspector; and no person, firm, limited liability company, or
40 corporation shall sell or offer or expose for sale or deliver less than the
41 quantity the person, firm, limited liability company, or corporation
42 represents, or sell, offer for sale, or have in the person's, firm's, limited



1 liability company's, or corporation's possession for the purpose of
 2 selling any false scales, weight, or measure, or any device or instrument
 3 to be used or calculated to falsify any weight or measure.

4 SECTION 14. IC 24-6-3-12 IS REPEALED [EFFECTIVE JULY 1,
 5 2022]. Sec. 12: (a) All commodities shall be offered for sale or sold
 6 upon the basis of avoirdupois net weight or by numerical count only;
 7 and it shall be unlawful for anyone to use or employ any dry capacity
 8 measure, basket, barrel, or container of any kind as a means of
 9 determining the amounts or quantities of any commodities offered for
 10 sale or sold; provided, however, that the provisions of this chapter shall
 11 not be construed to apply to fruits and vegetables sold in the original
 12 standard container, nor to vegetables which by common custom are
 13 offered for sale or sold by the bunch; nor shall the provisions of this
 14 chapter be construed to apply to fresh berries and to other small fruits
 15 which are customarily offered for sale and sold by the box, basket, or
 16 other receptacle, except, however, when such fresh berries or such
 17 other small fruits are offered for sale or sold in bulk, in which case the
 18 provisions of this chapter shall apply to the extent that such fresh
 19 berries and such other small fruits shall be offered for sale and sold by
 20 avoirdupois net weight only; provided, further, however, that all fresh
 21 berries and such other small fruits when offered for sale or sold shall
 22 be so offered or sold in boxes, baskets, or receptacles of uniform size
 23 to hold one (1) quart or one (1) pint dry measure only, which said
 24 boxes, baskets, or other receptacles shall be uniformly and evenly filled
 25 throughout.

26 (b) The term "commodities" as used in this section shall be
 27 construed to mean commodities or articles (other than liquids) which
 28 are capable of being measured by dry capacity measure.

29 (c) The term "original standard container" as used in this section
 30 shall be construed to mean and include only barrels, boxes, baskets,
 31 hampers, or similar containers the dimensions or capacity of which is
 32 established by Indiana or federal statute, the contents of which have not
 33 been removed or repacked, and upon which is plainly and
 34 conspicuously marked the net quantity of contents thereof in terms of
 35 weight, measure, or numerical count.

36 SECTION 15. IC 24-6-3-12.1 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2022]: **Sec. 12.1. (a) This section applies to**
 39 **packages of berries or small fruits that are offered or exposed for**
 40 **sale in Indiana.**

41 (b) As used this section, "berry" includes any fruit with a name
 42 ending in "berry".



1 (c) As used in this section, "small fruits" include cherries,
2 currants, and cherry tomatoes.

3 (d) Packages subject to this section and the Federal Fair
4 Package and Labeling Act (15 U.S.C. 1451 et seq.) must be labeled
5 in both:

6 (1) units of the International System of units (SI units); and
7 (2) inch-pound systems of measure;
8 effective February 14, 1994.

9 (e) Berries and small fruits shall be:

10 (1) offered or exposed for sale; and
11 (2) sold;
12 by weight or by volume.

13 (f) If berries or small fruits are sold by volume, they must:

14 (1) be in measure containers that are either:

15 (A) open; or

16 (B) covered by uncolored transparent lids or other
17 wrappings that do not obscure the contents; and

18 (2) have the following capacities:

19 (A) In units of the International System of Units (SI units),
20 one (1) of the following capacities:

21 (i) Two hundred fifty (250) milliliters.

22 (ii) Five hundred (500) milliliters.

23 (iii) One (1) liter.

24 (B) In inch-pound units, one (1) of the following capacities:

25 (i) One-half (1/2) dry pint.

26 (ii) One (1) dry pint.

27 (iii) One (1) dry quart.

28 (g) If berries or small fruits are sold by volume in measure
29 containers, regardless of whether they are covered, the measure
30 containers by themselves do not satisfy labeling requirements
31 solely on the basis of their volume.

32 SECTION 16. IC 24-6-5-12 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. It shall be the duty
34 of the division of weights and measures of the state department of
35 health to enforce all the provisions of this chapter, and it shall prescribe
36 such rules as it may find necessary for carrying into effect the
37 provisions of this chapter, and shall cause such examinations and tests
38 to be made as may be necessary. ~~in order to determine whether~~
39 ~~hampers, round stave baskets, splint baskets, climax baskets, and~~
40 ~~baskets or containers for berries or other small fruits and vegetables; or~~
41 ~~parts thereof, subject to this chapter, meet its requirements.~~ For this
42 purpose, the authorized officers and agents of the division of weights



1 and measures may visit factories, stock rooms, and other places of
2 business where ~~such hampers, baskets, and containers, or parts thereof,~~
3 **regulated products, commodities, or packaging materials** are
4 manufactured or held for sale or shipment, or offered for sale, and may
5 enter cars, vessels, other vehicles, and places under the control of
6 carriers engaged in the transportation of ~~such hampers, baskets, and~~
7 ~~containers, or parts thereof, and may take samples of such hampers,~~
8 ~~baskets, and boxes, or parts thereof~~ **regulated products, commodities,**
9 **or packaging materials, or may do any of these** upon written request
10 from the division of weights and measures or its authorized agents. Any
11 manufacturers, shippers, carriers, or holders of ~~such hampers, baskets,~~
12 ~~and containers~~ **regulated products, commodities, or packaging**
13 **materials,** or parts thereof, shall furnish samples of ~~such hampers,~~
14 ~~baskets, and containers,~~ **the regulated products, commodities, or**
15 **packaging materials,** or parts thereof, as are required for the purpose
16 of inspection as in this chapter provided.

17 SECTION 17. IC 24-6-9 IS REPEALED [EFFECTIVE JULY 1,
18 2022]. (Grades for Sweet Potatoes).

