



January 27, 2017

HOUSE BILL No. 1336

DIGEST OF HB 1336 (Updated January 25, 2017 7:27 pm - DI 77)

Citations Affected: IC 16-19; IC 16-21; IC 16-38; IC 16-42.

Synopsis: Department of health matters. Repeals the expiration provision for the office of minority health. Provides that the state health commissioner (commissioner) may take administrative actions against certain hospitals, medical institutions, and health care providers for violations of laws under the article concerning hospital law. (Current law specifies that the administrative actions can be brought for violations of the chapter.) Repeals the expiration provision of the birth problems registry. Provides that in cases in which food is believed to be adulterated or so misbranded as to be dangerous or fraudulent, the commissioner or the commissioner's agent may mark food to give notice that the food has been detained or embargoed for not more than 15 days. (Current law allows the food to be detained or embargoed for five days.) Provides that if an individual files a complaint under certain food safety laws concerning an issue related to food safety or a food borne illness, certain personal information of the individual is confidential.

Effective: Upon passage.

Kirchhofer

January 12, 2017, read first time and referred to Committee on Public Health.
January 26, 2017, reported — Do Pass.

HB 1336—LS 7181/DI 77



January 27, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1336

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 IC 16-19-14-7 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. ~~Sec. 7. This chapter expires July 1, 2017.~~
- 3 SECTION 2. IC 16-21-3-2, AS AMENDED BY P.L.197-2011,
4 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 2. The state health commissioner may take
6 action under section 1 of this chapter on any of the following grounds:
7 (1) Violation of any of the provisions of this ~~chapter~~ **article** or of
8 the rules adopted under this ~~chapter.~~ **article.**
9 (2) Permitting, aiding, or abetting the commission of any illegal
10 act in an institution.
11 (3) Knowingly collecting or attempting to collect from a
12 subscriber (as defined in IC 27-13-1-32) or an enrollee (as defined
13 in IC 27-13-1-12) of a health maintenance organization (as
14 defined in IC 27-13-1-19) any amounts that are owed by the
15 health maintenance organization.
16 (4) Conduct or practice found by the state department to be
17 detrimental to the welfare of the patients of an institution.

HB 1336—LS 7181/DI 77



1 SECTION 3. IC 16-38-4-19 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. ~~Sec. 19. The registry is abolished July 1, 2017.~~

3 SECTION 4. IC 16-42-1-18 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Whenever
5 a duly authorized agent of the state department finds or has probable
6 cause to believe that any food, drug, device, or cosmetic is:

7 (1) adulterated; or

8 (2) so misbranded as to be dangerous or fraudulent;

9 within the meaning of IC 16-42-1 through IC 16-42-4, the state health
10 commissioner or the commissioner's legally authorized agent shall affix
11 to the merchandise a tag or other appropriate marking as described in
12 subsection (b).

13 (b) The tag or marking required in subsection (a) must do the
14 following:

15 (1) Give notice that the merchandise is or is suspected of being
16 adulterated or misbranded.

17 (2) Give notice that the merchandise has been detained or
18 embargoed as follows:

19 (A) ~~Five (5)~~ **Not more than fifteen (15)** days in the case of
20 food.

21 (B) Ten (10) days in the case of drugs and cosmetics.

22 (3) Contain a warning to all persons not to remove or dispose of
23 the merchandise by sale or otherwise until permission for removal
24 or disposal is given by the state department or the court.

25 (c) A person may not remove or dispose of detained or embargoed
26 merchandise by sale or otherwise without permission of the state
27 department or the court.

28 (d) The claimant may, under the supervision of the state department,
29 destroy the detained merchandise.

30 (e) If the state department finds that merchandise that has been
31 detained or embargoed is not adulterated or misbranded, the state
32 department shall remove the tag or marking.

33 SECTION 5. IC 16-42-1-35 IS ADDED TO THE INDIANA CODE
34 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: **Sec. 35. For purposes of IC 5-14-3-4, if an
36 individual files a complaint under this article concerning an issue
37 related to food safety or a food borne illness, including any health
38 or sanitary condition at a food establishment, the department shall
39 keep the following information of the individual who filed the
40 complaint confidential:**

41 (1) Name.

42 (2) Address.



- 1 **(3) Telephone number.**
- 2 **(4) Electronic mail address.**
- 3 **(5) Personal health information.**
- 4 **(6) Any other information that could identify the complainant.**
- 5 **SECTION 6. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1336, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1336 as introduced.)

KIRCHHOFER

Committee Vote: Yeas 12, Nays 0

