



Reprinted  
February 3, 2017

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## HOUSE BILL No. 1336

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DIGEST OF HB 1336 (Updated February 2, 2017 10:59 am - DI 77)

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

**Synopsis:** Department of health matters. Repeals the expiration provision for the office of minority health. 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.

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### Kirchhofer, Shackelford, Zent

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January 12, 2017, read first time and referred to Committee on Public Health.  
January 26, 2017, reported — Do Pass.  
February 2, 2017, read second time, amended, ordered engrossed.

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HB 1336—LS 7181/DI 77





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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

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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 16-19-14-7 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. ~~Sec. 7: This chapter expires July 1, 2017.~~
- 3 SECTION 2. IC 16-38-4-19 IS REPEALED [EFFECTIVE UPON  
4 PASSAGE]. ~~Sec. 19: The registry is abolished July 1, 2017.~~
- 5 SECTION 3. IC 16-42-1-18 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Whenever  
7 a duly authorized agent of the state department finds or has probable  
8 cause to believe that any food, drug, device, or cosmetic is:  
9 (1) adulterated; or  
10 (2) so misbranded as to be dangerous or fraudulent;  
11 within the meaning of IC 16-42-1 through IC 16-42-4, the state health  
12 commissioner or the commissioner's legally authorized agent shall affix  
13 to the merchandise a tag or other appropriate marking as described in  
14 subsection (b).  
15 (b) The tag or marking required in subsection (a) must do the  
16 following:  
17 (1) Give notice that the merchandise is or is suspected of being

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- 1 adulterated or misbranded.
- 2 (2) Give notice that the merchandise has been detained or
- 3 embargoed as follows:
- 4 (A) ~~Five (5)~~ **Not more than fifteen (15)** days in the case of
- 5 food.
- 6 (B) Ten (10) days in the case of drugs and cosmetics.
- 7 (3) Contain a warning to all persons not to remove or dispose of
- 8 the merchandise by sale or otherwise until permission for removal
- 9 or disposal is given by the state department or the court.
- 10 (c) A person may not remove or dispose of detained or embargoed
- 11 merchandise by sale or otherwise without permission of the state
- 12 department or the court.
- 13 (d) The claimant may, under the supervision of the state department,
- 14 destroy the detained merchandise.
- 15 (e) If the state department finds that merchandise that has been
- 16 detained or embargoed is not adulterated or misbranded, the state
- 17 department shall remove the tag or marking.
- 18 SECTION 4. IC 16-42-1-35 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 20 **UPON PASSAGE]: Sec. 35. For purposes of IC 5-14-3-4, if an**
- 21 **individual files a complaint under this article concerning an issue**
- 22 **related to food safety or a food borne illness, including any health**
- 23 **or sanitary condition at a food establishment, the department shall**
- 24 **keep the following information of the individual who filed the**
- 25 **complaint confidential:**
- 26 (1) **Name.**
- 27 (2) **Address.**
- 28 (3) **Telephone number.**
- 29 (4) **Electronic mail address.**
- 30 (5) **Personal health information.**
- 31 (6) **Any other information that could identify the complainant.**
- 32 SECTION 5. **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.)

KIRCHHOFFER

Committee Vote: Yeas 12, Nays 0

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1336 be amended to read as follows:

Page 1, delete lines 3 through 17.

Renumber all SECTIONS consecutively.

(Reference is to HB 1336 as printed January 27, 2017.)

KIRCHHOFFER

