

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 2017 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 331

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AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-124 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 124. "Federal act", for purposes of IC 16-42-1 through IC 16-42-4, refers to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.; 52 Stat. 1040 et seq.), **as amended by the FDA Food Safety Modernization Act (Public Law 111-353)**, and amendments to ~~that statute~~: **those statutes**.

SECTION 2. IC 16-18-2-294.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 294.1. "Produce farm", for purposes of IC 16-42-1 through IC 16-42-4, means a person that:**

- (1) grows, harvests, packs, or holds covered produce (as defined by 21 CFR 112) that is intended for human consumption; and**
- (2) is subject to 21 CFR 112.**

**The term does not include a person that is exempt under 21 CFR 112.**

SECTION 3. IC 16-42-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) IC 16-42-1 through IC 16-42-4 are intended to safeguard the public health and promote the public welfare by protecting the:

- (1) consuming public from injury by product use; and
- (2) purchasing public from injury by merchandising deceit;

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flowing from intrastate commerce in food, drugs, devices, and cosmetics.

(b) IC 16-42-1 through IC 16-42-4 are intended to be uniform with the:

(1) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.),  
**as amended by the FDA Food Safety Modernization Act (Public Law 111-353);** and ~~with the~~

(2) Federal Trade Commission Act (15 U.S.C. 41 et seq.);

**including amendments to those statutes**, to the extent they expressly outlaw the false advertisement of food, drugs, devices, and cosmetics.

(c) IC 16-42-1 through IC 16-42-4 thus promote uniformity of such statutes and their administration and enforcement throughout the United States.

SECTION 4. IC 16-42-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. For the purpose of enforcing IC 16-42-1 through IC 16-42-4, the state health commissioner or the commissioner's authorized representative may do the following:

(1) Enter, at reasonable times any **produce farm**, factory, warehouse, place of production, or establishment subject to IC 16-42-1 through IC 16-42-4 or enter any vehicle being used to transport or hold food, drugs, devices, or cosmetics.

(2) Inspect, at reasonable times, the **produce farm**, factory, warehouse, place of production, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling, and advertisements.

SECTION 5. IC 16-42-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

**Chapter 3.5. Produce Farm Food Safety**

**Sec. 1. (a) Subject to subsection (b), a produce farm shall comply with the requirements in 21 CFR 112. However, a produce farm that has a qualified exemption under 21 CFR 112 is required only to comply with the requirements specified for the qualified exemption under 21 CFR 112.6.**

**(b) The state department may suspend the requirements under subsection (a) if the federal government does not provide sufficient funds for the state department to administer and enforce the requirements in 21 CFR 112. However, if the federal government does not provide any funds for the state department to administer and enforce the requirements in 21 CFR 112, the state department shall suspend the requirements under subsection (a).**



**Sec. 2. (a) The state department shall implement this chapter.**

**(b) The state department may adopt rules under IC 4-22-2 that are necessary to implement this chapter. However, the rules may not provide for requirements that are more stringent than required under 21 CFR 112.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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