



Indiana
Department
of
Health



Eric J. Holcomb

Governor

Lindsay M. Weaver, MD, FACEP

State Health Commissioner

DATE: March 13, 2024

TO: Executive Board
Indiana Department of Health

FROM: Megan Lytle *ML*
Assistant Commissioner
Public Health Protection Commission

RE: Interim Rule on Food Establishments
LSA Document # 24-xxx

The Indiana Department of Health (IDOH) is presenting an interim rule to the Executive Board for discussion. This rule supersedes 410 IAC 7-23 and 7-24, which are rules related to food establishments. The IDOH is also finalizing a permanent rule that will replace the interim rule once it expires.

The purpose of this interim rule is to adopt the 2022 Model Food Code that was developed by the U.S. Food and Drug Administration and released on January 18, 2023. While individual states are not required to adopt the Model Food Code, it serves as an industry recognized food safety standard. Indiana has not updated its food safety standards since the development of the 2001 Model Food Code, which has been creating regulatory uncertainty throughout the state and increasing compliance and training costs for food establishments.

This rule is not expected to create costs for retail food establishments because they have been complying with the 2022 Model Food Code through the national recognized ServSafe food safety training program. This rule also maintains the civil penalties that are currently set forth in 410 IAC 7-23, and there will be no civil penalties for rule sections that do not exist in current 410 IAC 7-24 to allow regulated entities to have a grace period during the rollout of the new standards set by the 2022 Model Food Code.

To **promote**, **protect**, and **improve** the health and safety of all Hoosiers.



However, adopting this rule is necessary because of Indiana specific requirements that are not reflected in ServSafe and because food establishments that are attempting to comply with currently accepted food safety standards must request variances from the IDOH. The reliance on variances to comply with currently accepted food safety standards creates a large cost on both businesses and IDOH that this rule seeks to reduce.