



Mike Braun
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

DATE: July 7, 2025

TO: Executive Board
Indiana Department of Health

FROM: Megan Lytle,
Assistant Commissioner
Public Health Commission

RE: Proposed Food Protection Division Amendment to 410 IAC 7-23

The Indiana Department of Health (Department) is presenting a proposed rule to the Executive Board for discussion. This rule amends 410 IAC 7-23, which is a rule related to food establishments. The purpose of this rule is to complete the adoption of the 2022 Model Food Code that was started by the rulemaking in LSA #24-375 by adopting civil penalties for new provisions of the Indiana Food Rule.

In that rulemaking, the Department replaced provisions of Indiana Food Rule with the substantive provisions of the 2022 Model Food Code. That rulemaking also included revised civil penalties. However, that rulemaking did not include civil penalties for provisions of the 2022 Model Food Code that did not exist in Indiana's previous food code. This rulemaking is not expected to create compliance costs for retail food establishments because it merely creates an enforcement mechanism for provisions of 410 IAC 7-26. Instead, this rulemaking will reduce compliance costs for retail food establishments because this rulemaking will prevent regulatory authorities from imposing civil penalties without offering establishments an opportunity to correct.

Upon receiving approval from the Executive Board, the Department will be submitting this rule for review by the Office of Management and Budget. Since this rulemaking amends civil penalties, the Department will also be submitting this rule to the State Budget Committee for review once approval is received from the Office of Management and Budget.

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