

1 HB12
2 208068-1
3 By Representative Kiel
4 RFD: Health
5 First Read: 02-FEB-21
6 PFD: 10/29/2020

SYNOPSIS: Existing law provides that in-home cottage food production of baked goods, jams, jellies, candies, and dried herb and herb mixes are excluded from regulation by the State Department of Health and county health departments, as well as the requirement to have a food service permit.

This bill would extend the protections granted to in-home cottage food production to include in-home producers of roasted coffees and dry gluten free baking mixes.

A BILL
TO BE ENTITLED
AN ACT

Relating to cottage food production operations; to amend Section 22-20-5.1, Code of Alabama 1975, to extend the protections granted to in-home cottage food production to include in-home producers of roasted coffees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 22-20-5.1, Code of Alabama 1975,
2 is amended to read as follows:

3 "§22-20-5.1.

4 "(a) For purposes of this section, the following
5 words have the following meanings:

6 "(1) BAKED GOOD. Includes cakes, breads, Danish,
7 donuts, pastries, pies, and other items that are prepared by
8 baking the item in an oven. A baked good does not include a
9 potentially hazardous food item as defined by rule of the
10 department.

11 "(2) COTTAGE FOOD PRODUCTION OPERATION. A person
12 operating out of his or her home who meets all of the
13 following requirements:

14 "a. Produces a baked good, a canned jam or jelly, a
15 dried herb or herb mix, any roasted coffee, a dry gluten free
16 baking mix, or a candy for sale at the person's home.

17 "b. Has an annual gross income of twenty thousand
18 dollars (\$20,000) or less from the sale of food described in
19 paragraph a.

20 "c. Sells the foods produced under paragraph a. only
21 directly to consumers.

22 "(3) DEPARTMENT. The State Department of Public
23 Health.

24 "(4) HOME. A primary residence that contains a
25 kitchen and appliances designed for common residential use.

1 "(b) A cottage food production operation is not a
2 food service establishment and is not required to have a food
3 service permit issued by the county health department.

4 "(c) Neither the State Department of Public Health
5 nor a county health department may regulate the production of
6 food at a cottage food production operation except as provided
7 by this section.

8 "(d) The department may issue a stop sale, seize, or
9 hold order for any food suspected of being the cause of a food
10 borne illness.

11 "(e) The department shall promulgate rules requiring
12 a cottage food production operation to label all baked goods,
13 canned jams or jellies, candies, roasted coffees, dry gluten
14 free baking mixes, and dried herb or herb mix that the
15 operation sells to consumers, and requiring completion of a
16 food safety course. The label shall include the name and
17 address of the cottage food production operation and a
18 statement that the food is not inspected by the department or
19 local health department. The operator of a cottage food
20 production operation shall maintain certification of having
21 attended and passed a food safety course approved by the
22 department.

23 "(f) A cottage food production operation may not
24 sell baked goods, jams and jellies, candies, roasted coffees,
25 dry gluten free baking mixes, or dried herbs and herb mixes
26 over the Internet."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.