

1 SB352  
2 137500-1  
3 By Senator Glover  
4 RFD: Health  
5 First Read: 23-FEB-12

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8 SYNOPSIS: Under existing law, any facility that sells  
9 food must have a food service permit issued by the  
10 local county health department pursuant to rules  
11 promulgated by the State Department of Public  
12 Health.

13 This bill would exempt certain cottage food  
14 production operations from regulation by the county  
15 health department. This bill would require the  
16 State Department of Public Health to promulgate  
17 rules providing for the labeling of certain baked  
18 goods sold out of a private residence as a part of  
19 a cottage food production operation.

20  
21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 Relating to cottage food production operations; to  
26 exempt certain operations that produce baked goods for sale at  
27 the producer's home from regulation by the county health

1 department; to require labeling of certain foods produced by  
2 the cottage food operation; and to authorize the State  
3 Department of Public Health to promulgate rules regarding  
4 labeling.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. For purposes of this act, the following  
7 words have the following meanings:

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

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

16 a. Produces a baked good, a canned jam or jelly, or  
17 a dried herb or herb mix for sale at the person's home.

18 b. Has an annual gross income of fifty thousand  
19 dollars (\$50,000) or less from the sale of food described in  
20 paragraph a.

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

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

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

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

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

9           (c) The department shall promulgate rules requiring  
10 a cottage food production operation to label all baked goods,  
11 canned jams or jellies, and dried herb or herb mix that the  
12 operation sells to consumers. The label shall include the name  
13 and address of the cottage food production operation and a  
14 statement that the food is not inspected by the department or  
15 local health department.

16           (d) A cottage food production operation may not sell  
17 baked goods, jams and jellies, or dried herbs and herb mixes  
18 over the Internet.

19           Section 3. All laws or parts of laws which conflict  
20 with this act are repealed.

21           Section 4. This act shall become effective on the  
22 first day of the third month following its passage and  
23 approval by the Governor, or its otherwise becoming law.