

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0695.02 Chuck Brackney x2295

**HOUSE BILL 13-1158**

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**HOUSE SPONSORSHIP**

**Hamner,**

**SENATE SPONSORSHIP**

**Schwartz,**

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**House Committees**  
Health, Insurance & Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE "COLORADO COTTAGE FOODS ACT".**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill amends the "Colorado Cottage Foods Act" to clarify the food handling and safety course requirement for producers. Food producers under the act are exempted from regulation under the "Farm Products Act". A person is allowed to sell up to 250 dozen eggs per month under the act.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-16-103, **amend**

3 (4) (b) as follows:

4 **12-16-103. Definitions - rules.** As used in this part 1, unless the  
5 context otherwise requires:

6 (4) (b) "Dealer" does not include:

7 (I) A bona fide retail grocery ~~merchants~~ MERCHANT or  
8 ~~restaurateurs~~ RESTAURATEUR having a fixed or established place of  
9 business in Colorado as long as the use of farm products by any such  
10 person is directly related to the operation of the person's retail grocery or  
11 restaurant; OR

12 (II) A PRODUCER UNDER THE "COLORADO COTTAGE FOODS ACT",  
13 SECTION 25-4-1614 (9) (c), C.R.S., WHO EARNS NET REVENUES OF FIVE  
14 THOUSAND DOLLARS OR LESS PER CALENDAR YEAR FROM THE SALE OF  
15 EACH ELIGIBLE FOOD PRODUCT ON THE PERSON'S PREMISES, AT THE  
16 PERSON'S ROADSIDE STAND, AT A FARMERS' MARKET OR  
17 COMMUNITY-SUPPORTED AGRICULTURE ORGANIZATION, OR IN ANY  
18 SIMILAR VENUE WHERE THE PRODUCT IS SOLD DIRECTLY TO CONSUMERS.

19 **SECTION 2.** In Colorado Revised Statutes, 12-16-202, **amend**

20 (4.5) (b) as follows:

21 **12-16-202. Definitions - rules.** As used in this part 2, unless the  
22 context otherwise requires:

23 (4.5) (b) "Commodity handler" does not include:

24 (I) A bona fide retail grocery ~~merchants~~ MERCHANT or  
25 ~~restaurateurs~~ RESTAURATEUR having a fixed or established place of  
26 business in Colorado as long as the use of commodities by any such

1 person is directly related to the operation of the person's retail grocery or  
2 restaurant; OR

3 (II) A PRODUCER UNDER THE "COLORADO COTTAGE FOODS ACT",  
4 SECTION 25-4-1614 (9) (c), C.R.S., WHO EARNS NET REVENUES OF FIVE  
5 THOUSAND DOLLARS OR LESS PER CALENDAR YEAR FROM THE SALE OF  
6 EACH ELIGIBLE FOOD PRODUCT ON THE PERSON'S PREMISES, AT THE  
7 PERSON'S ROADSIDE STAND, AT A FARMERS' MARKET OR  
8 COMMUNITY-SUPPORTED AGRICULTURE ORGANIZATION, OR IN ANY  
9 SIMILAR VENUE WHERE THE PRODUCT IS SOLD DIRECTLY TO CONSUMERS.

10 **SECTION 3.** In Colorado Revised Statutes, 25-4-1614, **amend**  
11 **(2) (b), (2) (c), and (3) (a) (II) as follows:**

12 **25-4-1614. Home kitchens - exemption - food inspection - short**  
13 **title - definitions.** (2) (b) (I) A producer is permitted under this section  
14 to sell only a limited range of foods that are nonpotentially hazardous and  
15 that do not require refrigeration. These foods are limited to spices, teas,  
16 dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit  
17 butter, and baked goods, including candies.

18 (II) A PERSON MAY SELL WHOLE EGGS UNDER THIS SECTION;  
19 EXCEPT THAT A PERSON MAY NOT SELL MORE THAN TWO HUNDRED FIFTY  
20 DOZEN WHOLE EGGS PER MONTH UNDER THIS SECTION. A PERSON SELLING  
21 WHOLE EGGS MUST MEET THE REQUIREMENTS OF SECTION 35-21-105,  
22 C.R.S.

23 (c) A producer must ~~be certified in safe food handling and~~  
24 ~~processing by a third-party certifying entity,~~ TAKE A FOOD SAFETY COURSE  
25 comparable to and including CLASSES GIVEN BY ~~the United States~~  
26 ~~department of agriculture or the Colorado state university cooperative~~  
27 extension service OR A STATE, COUNTY, OR DISTRICT PUBLIC HEALTH

1 AGENCY, and must maintain a status of good standing in accordance with  
2 the ~~certifying entity's practices and procedures~~ COURSE REQUIREMENTS,  
3 including attending any ADDITIONAL classes ~~required for certification~~ IF  
4 NECESSARY.

5 (3) (a) A food product sold under this section must have an  
6 affixed label that includes at least:

7 (II) The producer's name, the address at which the food was  
8 prepared, and the producer's current telephone number ~~and~~ OR electronic  
9 mail address;

10 **SECTION 4. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.