

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 13-1158

BY REPRESENTATIVE(S) Hamner, Coram, Fields, Fischer, Ginal, Labuda, McLachlan, Mitsch Bush, Pabon, Primavera, Rankin, Rosenthal, Schafer, Singer, Vigil, Williams, Young, Hulinghorst, Lebsock, Ryden, Wright;

also SENATOR(S) Schwartz, Cadman, Crowder, Grantham, Guzman, Heath, Jahn, Jones, King, Lundberg, Newell, Tochtrop.

CONCERNING THE "COLORADO COTTAGE FOODS ACT".

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

**SECTION 1.** In Colorado Revised Statutes, 12-16-103, **amend** (4) (b) as follows:

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

**SECTION 2.** In Colorado Revised Statutes, 12-16-202, **amend** (4.5) (b) as follows:

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

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

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

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

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

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

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

(c) A producer must ~~be certified in safe food handling and processing by a third-party certifying entity, comparable to and including the United States department of agriculture or~~ TAKE A FOOD SAFETY COURSE THAT INCLUDES BASIC FOOD HANDLING TRAINING AND IS COMPARABLE TO, OR IS A COURSE GIVEN BY, the Colorado state university ~~cooperative~~ extension service OR A STATE, COUNTY, OR DISTRICT PUBLIC HEALTH AGENCY, and must maintain a status of good standing in accordance with the ~~certifying entity's practices and procedures~~ COURSE REQUIREMENTS, including attending any ADDITIONAL classes ~~required for certification~~ IF NECESSARY.

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

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

**SECTION 4.** In Colorado Revised Statutes, 35-21-105, **amend** (2) (b) as follows:

**35-21-105. Exemption.** (2) A person transporting eggs for sale at a farmers' market or similar venue under subsection (1) of this section shall:

(b) Affix to the egg package a label containing the address at which the eggs originated and the date on which the eggs were packaged. Any eggs not treated for salmonella must also include the following statement on the package: "Safe Handling Instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook any foods containing eggs thoroughly. THESE EGGS DO NOT COME FROM A GOVERNMENT-APPROVED SOURCE."

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO