

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Mary M. Cheh introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To amend the Department of Health Functions Clarification Act of 2001 to permit cottage food businesses in the District, to permit cottage food businesses to operate without a license from the Department of Health if the specific laws concerning cottage food businesses are followed, to authorize the Department of Health to define food products to be sold by cottage food businesses, to establish storage and labeling requirements for food products produced by cottage food businesses, to authorize inspections of cottage food businesses if a complaint is received by the Department of Health, and to authorize the Department of Health to issue regulations concerning cottage food businesses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cottage Food Act of 2013”.

Sec. 2. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-743 *et seq.*), is amended by adding a new Part C to read as follows:

“Part C. Cottage Food.

“Sec. 4931. Definitions.

“For the purposes of this part, the term:

“(1) “Cottage food business” means a business that:

(a) Produces or packages cottage food products in a residential kitchen;

1 (b) Sells the cottage food products in accordance with section 4932 of this part  
2 and regulations adopted by the Department; and

3 (c) Has annual revenues from the sale of cottage food products in an amount not  
4 exceeding \$ 25,000.

5 “(2) “Cottage food product” means a nonhazardous food, as specified in regulations  
6 adopted by the Department, that is sold at a farmer's market or public event in accordance with  
7 section 4932 of this part and regulations adopted by the Department of Health.

8 “Sec. 4932. Cottage food businesses.

9 (a) This section shall not:

10 (1) Apply to food establishment that is required to have a license under  
11 Department regulations; or

12 (2) Exempt a cottage food business from any applicable District or federal tax  
13 laws.

14 (b) A cottage food business is not required to be licensed by the Department of Health if  
15 the owner of the cottage food business complies with this section.

16 (c) The owner of a cottage food business may sell only cottage food products that are:

17 (1) Stored on the premises of the cottage food business; and

18 (2) Prepackaged with a label that contains the following information:

19 (A) The name and address of the cottage food business;

20 (B) The name of the cottage food product;

21 (C) The ingredients of the cottage food product in descending order of the  
22 amount of each ingredient by weight;

23 (D) The net weight or net volume of the cottage food product;

1 (E) Allergen information as specified by federal labeling requirements;  
2 and

3 (F) If any nutritional claim is made, nutritional information as specified by  
4 federal labeling requirements; and

5 (G) The following statement printed in 10 point or larger type in a color  
6 that provides a clear contrast to the background of the label: "Made by a cottage food business  
7 that is not subject to the District of Columbia's food safety regulations."

8 (d)(1) The Department of Health may investigate any complaint alleging that a cottage  
9 food business has violated this section.

10 (2) On receipt of a complaint, a representative of the Department of Health, at a  
11 reasonable time, may enter and inspect the premises of a cottage food business to determine  
12 compliance with this section.

13 (3) The owner of a cottage food business may not:

14 (A) Refuse to grant access to a representative who requests to enter and  
15 inspect the premises of the cottage food business under paragraph (2) of this subsection; or

16 (B) Interfere with any inspection under paragraph (2) of this subsection.

17 (4) An investigation of a cottage food business conducted under this subsection  
18 may include sampling of a cottage food product to determine if the cottage food product is  
19 misbranded or adulterated.

20 (e) The Department shall adopt regulations to carry out this section."

21 Sec. 3. Fiscal impact statement.

22 The Council adopts the fiscal impact statement in the committee report as the fiscal

1 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
2 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

3 Sec. 4. Effective date.

4 This act shall take effect following approval by the Mayor (or in the event of veto by the  
5 Mayor, action by the Council to override the veto), a 30-day period of Congressional  
6 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved  
7 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the  
8 District of Columbia Register.