

A BILL

23-192

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Department of Health Functions Clarification Act of 2001 to remove the annual revenue cap on cottage food businesses, to revise preoperational inspection requirements, and to allow all direct sales of cottage food products.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cottage Food Expansion Amendment Act of 2019.”

Sec. 2. Part C of the Department of Health Functions Clarification Act of 2001, effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code § 7-742.01 *et seq.*), is amended as follows:

(a) Section 4931 (D.C. Official Code § 7-742.01) is amended as follows:

(1) Paragraph (2) is amended as follows:

(A) Subparagraph (B) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(B) Subparagraph (C) is repealed.

(2) A new paragraph (2A) is added to read as follows:

“(2A) “Cottage food business identification number and certificate” means the unique identifier for tracking participating cottage food businesses and the certificate evidencing status as a participating cottage food business.”.

(3) Paragraph (3) is amended by striking the phrase “at a farmer’s market or public event” and inserting the phrase “direct to consumers within the District of Columbia” in its place.

(4) A new paragraph (5) is added to read as follows:

“(5)(A) “Food establishment” shall have the same meaning as provided in section 2(5) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246, D.C. Official Code § 48-102(5)).”.

(b) Section 4932(b) (D.C. Official Code § 7-742.02(b)) is amended as follows:

(1) Paragraphs (2) is amended by striking the word “shall” and inserting the word “may” in its place.

(2) Paragraph (3) is repealed.

(3) A new paragraph (3A) is added to read as follows:

“(3A) The Department shall issue a cottage food business identification number and certificate to each registered cottage food business. Upon receipt of a cottage food business identification number and certificate, the cottage food business shall be authorized to produce, package, and sell the temperature control for safety food products on the approved food products list issued by the Department. The cottage food business shall not produce, package, or sell any

45 food products that are not allowed by the Department nor use any processes and activities that  
46 are not allowed by the Department.”.

47 (c) A new section 4933 is added to read as follows:

48 “Sec. 4933. Cottage food prepared or stored in a private home.

49 “(a) Food prepared or stored in a private home shall not be used or offered for human  
50 consumption in a food establishment, except as provided in 25-A DCMR 3806 or when prepared  
51 by a cottage food business in accordance with section 4932(a).

52 “(b) A food establishment shall not include a cottage food business operating in  
53 accordance with section 4932(a).”.

54 Sec. 4. Fiscal impact statement.

55 The Council adopts the fiscal impact statement in the committee report as the fiscal  
56 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
57 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

58 Sec. 5. Effective date.

59 This act shall take effect following approval by the Mayor (or in the event of veto by the  
60 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
61 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
62 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
63 Columbia Register.