

Regular Session, 2014

# ACT No. 542

HOUSE BILL NO. 1270 (Substitute for House Bill No. 775 by Representative Simon)

BY REPRESENTATIVE SIMON

1 AN ACT

2 To amend and reenact R.S. 40:4.9(A)(1), (2)(introductory paragraph), (b), (c)(introductory  
3 paragraph), (ii), and (iv), (B), and (C) and to enact R.S. 40:4.9(D) and (E), relative  
4 to certain foods prepared in the home for sale; to provide for application of the state  
5 Sanitary Code; to provide for regulations concerning preparation of low-risk foods  
6 in the home for public consumption; to provide a definition of low-risk foods; to  
7 provide special conditions for preparation and sale of certain baked goods; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:4.9(A)(1), (2)(introductory paragraph), (b), (c)(introductory  
11 paragraph), (ii), and (iv), (B), and (C) are hereby amended and reenacted and R.S. 40:4.9(D)  
12 and (E) are hereby enacted to read as follows:

13 §4.9. ~~Jellies, preserves, jams, honey, honeycomb products, cakes, and cookies~~ Low-  
14 risk foods; preparation in home for public consumption

15 A.(1)(a) No provision of the state Sanitary Code or any provision of any  
16 other law or regulation that requires any equipment, design, construction, utensils,  
17 supplies, preparation, or services shall apply to the preparation of ~~jellies, preserves,~~  
18 ~~jams, honey, honeycomb products, cakes, and cookies~~ low-risk foods, as defined in  
19 Subsection E of this Section, in the home for sale. This Section shall not be  
20 construed to allow the sale or distribution of any unwholesome food.

21 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to  
22 any preparer of breads, cakes, ~~and~~ cookies, or pies who employs any individual to  
23 assist in the preparation of such ~~cakes and cookies~~ food for sale.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (2) Notwithstanding any provision of law to the contrary, all of the following  
2 ~~provisions of the state Sanitary Code~~ restrictions, conditions, and requirements shall  
3 apply to the preparation of breads, cakes, ~~and~~ cookies, and pies in the home for sale:

4 \* \* \*

5 (b) The building shall be constructed so as to exclude rats, mice, roaches or  
6 other vermin. Domestic pets shall be excluded in any part of the establishment  
7 where ~~the preparation and baking of such cakes and cookies take~~ bakery products  
8 takes place.

9 (c) All equipment used or connected in any way with the manufacture,  
10 baking, cooking or other processing, handling, packing, or storing of any bakery ~~or~~  
11 ~~confectionery~~ product shall comply with the following:

12 \* \* \*

13 (ii) Refrigeration shall be provided so that all perishable food products used  
14 in the manufacturer processing of any kind connected with the production,  
15 distribution, or sale of bakery ~~or confectionery~~ products shall be maintained at a  
16 temperature not to exceed forty-five degrees Fahrenheit.

17 \* \* \*

18 (iv) All barrels, boxes, tubs, pails, kneading troughs, machines, racks, pans,  
19 or other receptacles used for holding materials from which bakery ~~or confectionery~~  
20 products are manufactured shall be kept clean and sanitary and shall be so  
21 constructed as to be easily cleanable.

22 \* \* \*

23 B. This Section shall not apply to any ~~preparers of jellies, preserves, jams,~~  
24 ~~honey, honeycomb products, cakes, and cookies which are~~ preparer of low-risk foods  
25 made at a home for sale, whose gross annual sales equal twenty thousand dollars or  
26 more.

27 C. ~~Any~~ No individual ~~selling cookies and cakes from~~ who prepares breads,  
28 cakes, cookies, or pies in the home for sale to the public pursuant to this Section shall  
29 ~~not sell such cakes and cookies~~ foods to any retail business or individual for resale.

1                    D.(1) Any individual who prepares low-risk foods in the home for sale, as  
2                    authorized by this Section, shall affix to any such food offered for sale a label which  
3                    clearly indicates that the food was not produced in a licensed or regulated facility.

4                    (2) No individual who prepares low-risk foods in the home shall sell such  
5                    foods unless he has applied for and been issued all of the following:

6                    (a) A Louisiana General Sales Tax Certificate from the Louisiana  
7                    Department of Revenue.

8                    (b) A local sales tax certificate from the local taxing authority of any  
9                    jurisdiction in which he intends to sell foods.

10                   E. For purposes of this Section, "low-risk foods" shall include all of the  
11                   following, none of which shall consist of any animal muscle protein or fish protein:

12                   (1) Baked goods, including breads, cakes, cookies, and pies.

13                   (2) Candies.

14                   (3) Dried mixes.

15                   (4) Honey and honeycomb products.

16                   (5) Jams, jellies, and preserves.

17                   (6) Pickles and acidified foods.

18                   (7) Sauces and syrups.

19                   (8) Spices.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_