

1 SB159
2 155268-1
3 By Senators Glover and Hightower
4 RFD: Health
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, any facility that sells
9 food must have a food service permit issued by the
10 local county health department pursuant to rules
11 promulgated by the State Department of Public
12 Health.

13 This bill would exempt certain cottage food
14 production operations from regulation by the county
15 health department. This bill would require the
16 State Department of Public Health to promulgate
17 rules providing for the labeling of certain baked
18 goods and candy sold out of a private residence as
19 a part of a cottage food production operation.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to cottage food production operations; to
26 exempt certain operations that produce baked goods and candy
27 for sale at the producer's home from regulation by the county

1 health department; to require labeling of certain foods
2 produced by the cottage food operation; and to authorize the
3 State Department of Public Health to promulgate rules
4 regarding labeling.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. For purposes of this act, the following
7 words have the following meanings:

8 (1) BAKED GOOD. Includes cakes, breads, Danish,
9 donuts, pastries, pies, and other items that are prepared by
10 baking the item in an oven. A baked good does not include a
11 potentially hazardous food item as defined by rule of the
12 department.

13 (2) COTTAGE FOOD PRODUCTION OPERATION. A person
14 operating out of his or her home who meets all of the
15 following requirements:

16 a. Produces a baked good, a canned jam or jelly, or
17 a dried herb or herb mix or a candy for sale at the person's
18 home.

19 b. Has an annual gross income of twenty thousand
20 dollars (\$20,000) or less from the sale of food described in
21 paragraph a.

22 c. Sells the foods produced under paragraph a. only
23 directly to consumers.

24 (3) DEPARTMENT. The State Department of Public
25 Health.

26 (4) HOME. A primary residence that contains a
27 kitchen and appliances designed for common residential use.

1 Section 2. (a) A cottage food production operation
2 is not a food service establishment and is not required to
3 have a food service permit issued by the county health
4 department.

5 (b) Neither the State Department of Public Health
6 nor a county health department may regulate the production of
7 food at a cottage food production operation except as provided
8 by this act.

9 (c) The department shall promulgate rules requiring
10 a cottage food production operation to label all baked goods,
11 canned jams or jellies, candies, and dried herb or herb mix
12 that the operation sells to consumers. The label shall include
13 the name and address of the cottage food production operation
14 and a statement that the food is not inspected by the
15 department or local health department.

16 (d) A cottage food production operation may not sell
17 baked goods, jams and jellies, candies, or dried herbs and
18 herb mixes over the Internet.

19 Section 3. All laws or parts of laws which conflict
20 with this act are repealed.

21 Section 4. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.