SB159

155268-3

By Senators Glover and Hightower

RFD: Health

First Read: 14-JAN-14
ENROLLED, An Act,

Relating to cottage food production operations; to exempt certain operations that produce baked goods and candy for sale at the producer's home from regulation by the county health department; to require labeling of certain foods produced by the cottage food operation; and to authorize the State Department of Public Health to promulgate rules regarding labeling.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

   a. Produces a baked good, a canned jam or jelly, or a dried herb or herb mix or a candy for sale at the person's home.
b. Has an annual gross income of twenty thousand dollars ($20,000) or less from the sale of food described in paragraph a.

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

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

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

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

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

(c) The department may issue a stop sale, seize, or hold order for any food suspected of being the cause of a food borne illness.

(d) The department shall promulgate rules requiring a cottage food production operation to label all baked goods, canned jams or jellies, candies, and dried herb or herb mix that the operation sells to consumers, and requiring completion of a food safety course. The label shall include
the name and address of the cottage food production operation
and a statement that the food is not inspected by the
department or local health department. The operator of a
cottage food production operation shall maintain certification
of having attended and passed a food safety course approved by
the department.

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

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

Section 4. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB159
Senate 28-JAN-14
I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 13-MAR-14

By: Senator Glover