SB160

208265-4

By Senators Orr and McClendon

RFD: Healthcare

First Read: 02-FEB-21
ENROLLED, An Act,

Relating to cottage food production operations; to amend Section 22-20-5.1, Code of Alabama 1975; to allow various methods of sales by cottage food production operations; to remove the existing cap on gross receipts by cottage food production operations; and to require cottage food production operations to include certain nutrition information on the label of each product offered for sale.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-20-5.1, Code of Alabama 1975, is amended to read as follows:

"§22-20-5.1.

"(a) For purposes of this section, 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.

"(1) COTTAGE FOOD. A non-potentially hazardous food that has been prepared in a person's home that does not require time or temperature control for safety to limit
pathogenic microorganism growth or toxin formation and that
does not include meat, poultry, or fish, including the
following:

a. Cakes, breads, Danish pastries, donuts, pastries, and pies.

b. Jam, jellies, and fruit preserves.

c. Candy.

d. Dried and dehydrated herbs, herb mixes, vegetables, or fruits.

e. Roasted coffee.

f. Dried baking mixes.

g. Fermented or preserved vegetables or fruit that
do not result in the production of alcohol and that have an
acidity level allowed by 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, a
dried herb or herb mix, or a candy cottage food 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) b. Sells the foods produced under paragraph a. only directly to consumers, whether in-person, by phone, or online in the state.

c. Delivers the foods produced under paragraph a. directly to consumers in the state, whether in person, through an agent of the producer, or by mail.

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

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

(b) 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.

(c) 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 section.

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

(e) 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 cottage foods that the operation sells to consumers, and requiring completion of a food safety course.
approved by the department. The label shall include in at least size 10-point font the common or usual name of the food, the name, and home or P.O. Box address of the cottage food production operation, and a statement that the food is not inspected by the department or local health department. The label shall also contain a list of the ingredients in the food in descending order of predominance and shall include a disclaimer that the food may contain allergens. The operator of a cottage food production operation shall maintain certification of having attended and passed a food safety course approved by the department.

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

Section 2. 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

SB160
Senate 02-MAR-21
I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 06-MAY-21

By: Senator Orr