

1 HB29
2 199260-2
3 By Representatives Jackson and Hatcher
4 RFD: Health
5 First Read: 04-FEB-20
6 PFD: 01/14/2020

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 Relating to cottage food production operations; to
9 amend Section 22-20-5.1, Code of Alabama 1975, to extend the
10 protections granted to in-home cottage food production to
11 include in-home producers of roasted coffees and dry gluten
12 free baking mixes.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 "§22-20-5.1.

17 "(a) For purposes of this section, the following
18 words have the following meanings:

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

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

1 "a. Produces a baked good, a canned jam or jelly, a
2 dried herb or herb mix, any roasted coffee, a dry gluten free
3 baking mix, or a candy for sale at the person's home.

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

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

9 "(3) DEPARTMENT. The State Department of Public
10 Health.

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

13 "(b) A cottage food production operation is not a
14 food service establishment and is not required to have a food
15 service permit issued by the county health department.

16 "(c) Neither the State Department of Public Health
17 nor a county health department may regulate the production of
18 food at a cottage food production operation except as provided
19 by this section.

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

23 "(e) The department shall ~~promulgate~~ adopt rules
24 requiring a cottage food production operation to label all
25 baked goods, canned jams or jellies, candies, roasted coffees,
26 dry gluten free baking mixes, and dried herb or herb mix that
27 the operation sells to consumers, and requiring completion of

1 a food safety course. The label shall include the name and
2 address of the cottage food production operation and a
3 statement that the food is not inspected by the department or
4 local health department. The operator of a cottage food
5 production operation shall maintain certification of having
6 attended and passed a food safety course approved by the
7 department.

8 "(f) A cottage food production operation may not
9 sell baked goods, jams and jellies, candies, roasted coffees,
10 dry gluten free baking mixes, or dried herbs and herb mixes
11 over the Internet."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 04-FEB-20

Read for the second time and placed
on the calendar 1 amendment 06-FEB-20

Read for the third time and passed
as amended..... 13-FEB-20

Yeas 97, Nays 0, Abstains 5

Jeff Woodard
Clerk