

1 SB160
2 208265-3
3 By Senators Orr and McClendon
4 RFD: Healthcare
5 First Read: 02-FEB-21

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§22-20-5.1.

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

24 "~~(1) BAKED GOOD. Includes cakes, breads, Danish,~~
25 ~~donuts, pastries, pies, and other items that are prepared by~~
26 ~~baking the item in an oven. A baked good does not include a~~

1 ~~potentially hazardous food item as defined by rule of the~~
2 ~~department.~~

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

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

11 b. Jam, jellies, and fruit preserves.

12 c. Candy.

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

15 e. Roasted coffee.

16 f. Dried baking mixes.

17 g. Fermented or preserved vegetables or fruit that
18 do not result in the production of alcohol and that have an
19 acidity level allowed by the department.

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

23 "a. Produces ~~a baked good, a canned jam or jelly, a~~
24 ~~dried herb or herb mix, or a candy~~ cottage food for sale at
25 ~~the person's home.~~

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

4 ~~"(c) b.~~ Sells the foods produced under paragraph a.
5 only directly to consumers, whether in-person, by phone, or
6 online in the state.

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

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

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

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

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

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

24 ~~"(e) The department shall promulgate rules requiring~~
25 ~~a~~ A cottage food production operation ~~to~~ shall label all ~~baked~~
26 ~~goods, canned jams or jellies, candies, and dried herb or herb~~
27 ~~mix~~ cottage foods that the operation sells to consumers, and

1 ~~requiring completion of~~ shall complete a food safety course
2 approved by the department. The label shall include in at
3 least size 10-point font the common or usual name of the food,
4 the name, ~~and~~ home or P.O. Box address of the cottage food
5 production operation, ~~and~~ a statement that the food is not
6 inspected by the department or local health department. The
7 label shall also contain a list of the ingredients in the food
8 in descending order of predominance and shall include a
9 disclaimer that the food may contain allergens. The operator
10 of a cottage food production operation, ~~and~~ shall maintain
11 certification of having attended and passed a food safety
12 course approved by the department.

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

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

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Senate

Read for the first time and referred to the Senate
committee on Healthcare..... 02-FEB-21

Read for the second time and placed on the calen-
dar..... 10-FEB-21

Read for the third time and passed as amended 02-MAR-21

Yeas 27
Nays 0

Patrick Harris,
Secretary.