

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

1 SB159

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4 ENROLLED, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 (1) BAKED GOOD. Includes cakes, breads, Danish,  
16 donuts, pastries, pies, and other items that are prepared by  
17 baking the item in an oven. A baked good does not include a  
18 potentially hazardous food item as defined by rule of the  
19 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, or  
24 a dried herb or herb mix or a candy for sale at the person's  
25 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. Sells the foods produced under paragraph a. only  
5 directly to consumers.

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

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

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

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

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

21          (d) The department shall promulgate rules requiring  
22 a cottage food production operation to label all baked goods,  
23 canned jams or jellies, candies, and dried herb or herb mix  
24 that the operation sells to consumers, and requiring  
25 completion of a food safety course. The label shall include

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

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

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

12 Section 4. 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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President and Presiding Officer of the Senate

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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

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House of Representatives  
Passed: 13-MAR-14

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By: Senator Glover