

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

1 SB159

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

4 a. Produces a baked good, a canned jam or jelly, or
5 a dried herb or herb mix or a candy for sale at the person's
6 home.

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

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

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

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

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

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

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

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

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

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

17 Section 4. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.

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3 Senate

4 Read for the first time and referred to the Senate
5 committee on Health..... 14-JAN-14
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7 Read for the second time and placed on the calen-
8 dar 1 amendment..... 22-JAN-14
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10 Read for the third time and passed as amended 28-JAN-14

11 Yeas 22
12 Nays 0

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15 Patrick Harris
16 Secretary
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