

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE BILL NO. 525

97TH GENERAL ASSEMBLY

2014

4380H.04T

AN ACT

To amend chapter 196, RSMo, by adding thereto two new sections relating to food safety.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto two new sections, to be known as sections 196.056 and 196.298, to read as follows:

196.056. 1. A nonprofit organization may prepare food in a private home or other area for distribution to the end consumer at a charitable fundraising event.

2. The nonprofit organization may inform the consumer by placing a clearly visible placard at the serving location that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

3. The nonprofit organization may notify the regulatory authority in writing or via electronic mail prior to the beginning of the event. If made, such notification shall include the following: name of the nonprofit organization; date, time, and location of the event; and name and contact information of the person responsible for the event.

4. This section does not apply to a food establishment regulated by the department of health and senior services providing food for the event.

5. This section shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any city not within a county, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county with

21 a charter form of government and with more than six hundred
22 thousand but fewer than seven hundred thousand inhabitants, any
23 home rule city with more than four hundred thousand inhabitants and
24 located in more than one county, any county with a charter form of
25 government and with more than three hundred thousand but fewer
26 than four hundred fifty thousand inhabitants, any county of the first
27 classification with more than two hundred thousand but fewer than two
28 hundred sixty thousand inhabitants, and any county of the first
29 classification with more than one hundred fifty thousand but fewer
30 than two hundred thousand inhabitants.

31 6. Nothing in this section shall be construed to prohibit the
32 authority of the department of health and senior services or local
33 health departments to conduct an investigation of a foodborne disease
34 or outbreak.

196.298. 1. As used in this section, the following terms shall
2 mean:

3 (1) "Baked good", includes cookies, cakes, breads, danish, donuts,
4 pastries, pies, and other items that are prepared by baking the item in
5 an oven. A baked good does not include a potentially hazardous food
6 item as defined by department rule;

7 (2) "Cottage food production operation", an individual operation
8 out of the individual's home who:

9 (a) Produces a baked good, a canned jam or jelly, or a dried herb
10 or herb mix for sale at the individual's home;

11 (b) Has an annual gross income of fifty thousand dollars or less
12 from the sale of food described in paragraph (a) of this subdivision; and

13 (c) Sells the food produced under paragraph (a) of this
14 subdivision only directly to consumers;

15 (3) "Department", the department of health and senior services;

16 (4) "Home", a primary residence that contains a kitchen and
17 appliances designed for common residential usage.

18 2. A cottage food production operation is not a food service
19 establishment and shall not be subject to any health or food code laws
20 or regulations of the state or department other than this section and
21 rules promulgated thereunder for a cottage food production operation.

22 3. (1) A local health department shall not regulate the
23 production of food at a cottage food production operation.

24 **(2) Each local health department and the department shall**
25 **maintain a record of a complaint made by a person against a cottage**
26 **food production operation.**

27 **4. The department shall promulgate rules requiring a cottage**
28 **food production operation to label all of the foods described in this**
29 **section which the operation intends to sell to consumers. The label**
30 **shall include the name and address of the cottage food production**
31 **operation and a statement that the food is not inspected by the**
32 **department or local health department.**

33 **5. A cottage food production operation shall not sell any foods**
34 **described in this section through the internet.**

35 **6. Nothing in this section shall be construed to prohibit the**
36 **authority of the department of health and senior services or local**
37 **health departments to conduct an investigation of a foodborne disease**
38 **or outbreak.**

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