

HB 3108 -- HOMEMADE FOODS

SPONSOR: Sassmann

Currently, a cottage food production operation may sell baked goods, canned jam or jelly, dried herbs, and dried herb mixes from its home without being subject to State health and food laws if it meets certain labeling requirements. This bill expands the law to allow a "producer" of homemade food products, as defined in the bill, to be exempt from health and food code laws or regulations.

Transactions must be directly between the producer and the informed end consumer, except as otherwise permitted in the bill. A producer, a designated agent of the producer, or a third-party vendor, including a retail shop or grocery store, may sell eggs, dairy products, or homemade food products consisting of non-potentially hazardous food as long as the sale as allowed in the bill. Transactions must occur in this State and not involve interstate commerce.

Transactions under this section shall not involve the sale of meat products unless the sale of meat occurs at a farmers' market; a farm; a ranch; a producer's home or office; the retail location of a third-party seller of non-potentially hazardous food, eggs, or dairy products; or any location the producer and the informed end consumer agree to and meets the requirements specified in the bill.

Homemade food or uninspected food can not be served or used as an ingredient at a commercial food establishment. However, homemade food may be sold from a retail space located at a ranch, farm, or home where the food is produced or at a retail location of a third-party seller of non-potentially hazardous food, eggs, or dairy products. A retail space selling homemade food must inform the end consumer and display a sign indicating that the homemade food has not been inspected. If a retail space selling potentially hazardous food, except eggs or dairy products, is associated with a commercial food establishment or offers for sale any inspected food product, the retail space must meet certain requirements specified in the bill.

The producer must inform the end consumer that any food product or food sold at a farmers' market or through ranch, farm, or home-based sales is not certified, labeled, licensed, packaged, regulated, or inspected. A third-party seller offering non-potentially hazardous food, eggs, or dairy products for sale must

inform the end consumer that the homemade food is not certified, labeled, licensed, packaged, regulated, or inspected.

Any potentially hazardous food must be delivered directly from the producer to the informed end consumer.

The bill does not change the requirements for brand inspection or animal health inspections or preclude an agency from providing assistance, consultation, or inspection at the request of the producer.

Producers may sell homemade food products, eggs, and dairy products to the maximum extent permitted by Federal law.