

1 HB29  
2 199260-1  
3 By Representatives Jackson and Hatcher  
4 RFD: Health  
5 First Read: 04-FEB-20  
6 PFD: 01/14/2020

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8 SYNOPSIS: Existing law provides that in-home cottage  
9 food production of baked goods, jams, jellies,  
10 candies, and dried herb and herb mixes are excluded  
11 from regulation by the State Department of Health  
12 and county health departments, as well as the  
13 requirement to have a food service permit.

14 This bill would extend the protections  
15 granted to in-home cottage food production to  
16 include in-home producers of roasted coffees.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to cottage food production operations; to  
23 amend Section 22-20-5.1, Code of Alabama 1975, to extend the  
24 protections granted to in-home cottage food production to  
25 include in-home producers of roasted coffees.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3                   "§22-20-5.1.

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

6                   "(1) BAKED GOOD. Includes cakes, breads, Danish,  
7 donuts, pastries, pies, and other items that are prepared by  
8 baking the item in an oven. A baked good does not include a  
9 potentially hazardous food item as defined by rule of the  
10 department.

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

14                   "a. Produces a baked good, a canned jam or jelly, a  
15 dried herb or herb mix, any roasted coffee, or a candy for  
16 sale at the person's home.

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

20                   "c. Sells the foods produced under paragraph a. only  
21 directly to consumers.

22                   "(3) DEPARTMENT. The State Department of Public  
23 Health.

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

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

4           "(c) Neither the State Department of Public Health  
5 nor a county health department may regulate the production of  
6 food at a cottage food production operation except as provided  
7 by this section.

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

11           "(e) The department shall ~~promulgate~~ adopt rules  
12 requiring a cottage food production operation to label all  
13 baked goods, canned jams or jellies, candies, roasted coffees,  
14 and dried herb or herb mix that the operation sells to  
15 consumers, and requiring completion of a food safety course.  
16 The label shall include the name and address of the cottage  
17 food production operation and a statement that the food is not  
18 inspected by the department or local health department. The  
19 operator of a cottage food production operation shall maintain  
20 certification of having attended and passed a food safety  
21 course approved by the department.

22           "(f) A cottage food production operation may not  
23 sell baked goods, jams and jellies, candies, roasted coffees,  
24 or dried herbs and herb mixes over the Internet."

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

