

# AGRICULTURE

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## **Food Production**

**HB 15-1102** *(Enacted)*

Colorado Cottage Foods Act Expansion

**Date:** 5/28/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1102

**Short Title:** *CO Cottage Foods Act Expansion*

**Prime Sponsors:** Representatives Hamner and Willett  
Senators Donovan and Grantham

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which becomes effective on August 5, 2015, assuming no referendum petition is filed.

### Summary

The bill expands the Colorado Cottage Foods Act to include the sale of flour, fruit empanadas, tortillas, and pickled vegetables. The bill requires the State Board of Health to promulgate rules regarding the production and sale of pickled vegetables. A producer selling foods under the act must conspicuously display a placard or sign at the point of sale with a disclaimer that the product was produced in a home kitchen and is not intended for resale.

### Background

The Colorado Cottage Foods Act was enacted in 2012. It allows a food producer to use his or her home kitchen to produce foods for sale if the producer meets specific requirements. Only nonpotentially hazardous foods that do not require refrigeration may be produced in a home kitchen, including spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, candies, and baked goods. Producers are also permitted to sell a limited number of whole eggs per month. Producers must take a food safety course, and may only sell the products directly to the ultimate consumer at a roadside stand, farmers market, or similar venue. Food products produced and sold under the act must have a label identifying the producers's name and contact information, a complete list of ingredients, and a disclaimer stating the food was produced in a home kitchen that may also process common food allergens.

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## House Action

**House Public Health Care and Human Services Committee (March 10, 2015).** At the hearing, representatives of the Western Colorado Congress, the Rocky Mountain Farmers Union, and private citizens testified in support of the bill.

The committee adopted amendment L.003. The amendment defined certain foods as "Tier One" and "Tier Two" foods for purposes of the act, and specified that the State Board of Health is responsible for promulgating rules regarding the production and sale of "Tier Two" foods, which are pickled vegetables. The amendment also added flour to the list of cottage foods that may be produced in a home kitchen, removed the introduced bill's changes to the statutory definition of "producer," and removed a requirement that the placard displayed by the producer contain a statement that the food was produced in a kitchen that may also process common food allergens. The committee referred the bill, as amended, to the House Appropriations Committee.

**House Appropriations Committee (April 10, 2015).** The committee adopted amendment J.001 and referred the bill, as amended, to the House Committee of the Whole. The amendment appropriated \$120,982 from the General Fund to the Department of Public Health and Environment to implement the bill.

**House Second Reading (April 14, 2015).** The House adopted the House Public Health Care and Human Services and Appropriations committee reports and passed the bill, as amended, on second reading.

**House Third Reading (April 15, 2015).** The House passed the bill on third reading with no amendments.

## Senate Action

**Senate Business, Labor, and Technology Committee (April 28, 2015).** At the hearing, representatives of the Western Colorado Congress and private citizens testified in support of the bill. The committee referred the bill, unamended, to the Senate Appropriations Committee.

**Senate Appropriations Committee (May 1, 2015).** The committee referred the bill, unamended, to the Senate Committee of the Whole and the consent calendar.

**Senate Second Reading (May 1, 2015).** The Senate passed the bill on second reading with no amendments.

**Senate Third Reading (May 4, 2015).** The Senate passed the bill on third reading with no amendments.

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## House Action

**House Public Health Care and Human Services Committee (March 10, 2015).** At the hearing, representatives of the Western Colorado Congress, the Rocky Mountain Farmers Union, and private citizens testified in support of the bill.

The committee adopted amendment L.003. The amendment defined certain foods as "Tier One" and "Tier Two" foods for purposes of the act, and specified that the State Board of Health is responsible for promulgating rules regarding the production and sale of "Tier Two" foods, which are pickled vegetables. The amendment also added flour to the list of cottage foods that may be produced in a home kitchen, removed the introduced bill's changes to the statutory definition of "producer," and removed a requirement that the placard displayed by the producer contain a statement that the food was produced in a kitchen that may also process common food allergens. The committee referred the bill, as amended, to the House Appropriations Committee.

**House Appropriations Committee (April 10, 2015).** The committee adopted amendment J.001 and referred the bill, as amended, to the House Committee of the Whole. The amendment appropriated \$120,982 from the General Fund to the Department of Public Health and Environment to implement the bill.

**House Second Reading (April 14, 2015).** The House adopted the House Public Health Care and Human Services and Appropriations committee reports and passed the bill, as amended, on second reading.

**House Third Reading (April 15, 2015).** The House passed the bill on third reading with no amendments.

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**Senate Appropriations Committee (May 1, 2015).** The committee referred the bill, unamended, to the Senate Committee of the Whole and the consent calendar.

**Senate Second Reading (May 1, 2015).** The Senate passed the bill on second reading with no amendments.

**Senate Third Reading (May 4, 2015).** The Senate passed the bill on third reading with no amendments.