

1 SB160  
2 208265-4  
3 By Senators Orr and McClendon  
4 RFD: Healthcare  
5 First Read: 02-FEB-21

1 SB160

2  
3  
4 ENROLLED, An Act,

5 Relating to cottage food production operations; to  
6 amend Section 22-20-5.1, Code of Alabama 1975; to allow  
7 various methods of sales by cottage food production  
8 operations; to remove the existing cap on gross receipts by  
9 cottage food production operations; and to require cottage  
10 food production operations to include certain nutrition  
11 information on the label of each product offered for sale.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§22-20-5.1.

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

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

23 "(1) COTTAGE FOOD. A non-potentially hazardous food  
24 that has been prepared in a person's home that does not  
25 require time or temperature control for safety to limit

1 pathogenic microorganism growth or toxin formation and that  
2 does not include meat, poultry, or fish, including the  
3 following:

4 a. Cakes, breads, Danish pastries, donuts, pastries,  
5 and pies.

6 b. Jam, jellies, and fruit preserves.

7 c. Candy.

8 d. Dried and dehydrated herbs, herb mixes,  
9 vegetables, or fruits.

10 e. Roasted coffee.

11 f. Dried baking mixes.

12 g. Fermented or preserved vegetables or fruit that  
13 do not result in the production of alcohol and that have an  
14 acidity level allowed by the department.

15 "(2) COTTAGE FOOD PRODUCTION OPERATION. A person  
16 operating out of his or her home who meets ~~all of~~ the  
17 following requirements:

18 ~~"a. Produces a baked good, a canned jam or jelly, a~~  
19 ~~dried herb or herb mix, or a candy~~ cottage food ~~for sale at~~  
20 ~~the person's home.~~

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

1           "~~(c)~~ b. Sells the foods produced under paragraph a.  
2 only directly to consumers, whether in-person, by phone, or  
3 online in the state.

4           "c. Delivers the foods produced under paragraph a.  
5 directly to consumers in the state, whether in person, through  
6 an agent of the producer, or by mail.

7           "(3) DEPARTMENT. The State Department of Public  
8 Health.

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

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

14           "(c) Neither the State Department of Public Health  
15 nor a county health department may regulate the production of  
16 food at a cottage food production operation except as provided  
17 by this section.

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

21           "~~(e) The department shall promulgate rules requiring~~  
22 ~~a~~ A cottage food production operation ~~to~~ shall label all ~~baked~~  
23 ~~goods, canned jams or jellies, candies, and dried herb or herb~~  
24 ~~mix~~ cottage foods that the operation sells to consumers, and  
25 ~~requiring completion of~~ shall complete a food safety course

1 approved by the department. The label shall include in at  
2 least size 10-point font the common or usual name of the food,  
3 the name, and home or P.O. Box address of the cottage food  
4 production operation, and a statement that the food is not  
5 inspected by the department or local health department. The  
6 label shall also contain a list of the ingredients in the food  
7 in descending order of predominance and shall include a  
8 disclaimer that the food may contain allergens. The operator  
9 of a cottage food production operation, shall maintain  
10 certification of having attended and passed a food safety  
11 course approved by the department.

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB160

Senate 02-MAR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

---

House of Representatives  
Passed: 06-MAY-21

---

By: Senator Orr