SECOND REGULAR SESSION

HOUSE BILL NO. 1508

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WEBB (Sponsor), CARTER, LAMPE, SHIVELY, AULL, NASHEED, CASEY, MEADOWS, McGEOGHEGAN, OXFORD, ELLINGTON, POLLOCK, LEARA, PARKINSON, JONES (63), FUNDERBURK, TAYLOR, KORMAN, HODGES, McDONALD, PIERSON, McMANUS, ELLINGER, SCHIEFFER, SWINGER AND MONTECILLO (Co-sponsors).

5215L.01I D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to the sale of cottage foods.

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

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.298, to read as follows:

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

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

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[**thus**]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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