

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0350.01 Yelana Love x2295

HOUSE BILL 15-1102

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HOUSE SPONSORSHIP

Hamner and Willett,

SENATE SPONSORSHIP

Donovan,

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House Committees

Public Health Care & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF THE "COLORADO COTTAGE FOODS  
102 ACT", AND, IN CONNECTION THEREWITH, INCREASING THE FOOD  
103 PRODUCTS A PRODUCER CAN SELL UNDER THE ACT, REQUIRING  
104 AN ADDITIONAL DISCLAIMER, AND REDEFINING "PRODUCER".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The "Colorado Cottage Foods Act" exempts sellers of certain foods from state inspection standards. The bill expands the permitted foods to include fruit empanadas, tortillas, and pickled vegetables that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

have an equilibrium pH value of 4.6 or lower.

In addition to the disclaimer required on the products sold, a producer must also display a placard, sign, or card at the point of sale indicating that the product was produced in a home kitchen that is not subject to state licensure or inspection.

The bill deletes language limiting a "producer" to natural persons.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-4-1614, **amend**  
3 (2) (b) (I), (9) (b), and (9) (c); and **add** (3) (c) as follows:

4 **25-4-1614. Home kitchens - exemption - food inspection - short**  
5 **title - definitions.** (2) (b) (I) A producer is permitted under this section  
6 to sell only a limited range of foods that have been produced, processed,  
7 or packaged that are nonpotentially hazardous and do not require  
8 refrigeration. These foods are limited to spices, teas, dehydrated produce,  
9 nuts, seeds, honey, jams, jellies, preserves, fruit butter, and baked goods,  
10 including candies, FRUIT EMPANADAS, AND TORTILLAS. A PRODUCER IS  
11 PERMITTED TO SELL PICKLED VEGETABLES THAT HAVE AN EQUILIBRIUM PH  
12 VALUE OF 4.6 OR LOWER IF THE PRODUCER CAN PROVIDE TO THE  
13 DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL HEALTH AGENCY  
14 DETAILED DOCUMENTATION OF THE FOOD'S:

15 (A) FORMULATION OR RECIPE;

16 (B) EQUILIBRIUM PH VALUE; AND

17 (C) METHOD OF PROCESSING.

18 (3) (c) A PRODUCER OPERATING UNDER THIS SECTION SHALL  
19 CONSPICUOUSLY DISPLAY A PLACARD, SIGN, OR CARD AT THE POINT OF  
20 SALE WITH THE FOLLOWING DISCLAIMER: "THIS PRODUCT WAS PRODUCED  
21 IN A HOME KITCHEN THAT IS NOT SUBJECT TO STATE LICENSURE OR  
22 INSPECTION AND THAT MAY ALSO PROCESS COMMON FOOD ALLERGENS

1 SUCH AS TREE NUTS, PEANUTS, EGGS, SOY, WHEAT, MILK, FISH, AND  
2 CRUSTACEAN SHELLFISH. THIS PRODUCT IS NOT INTENDED FOR RESALE."

3 (9) As used in this section:

4 (b) "Nonpotentially hazardous" has the meaning set forth in  
5 section 25-4-1602 (12). ~~and does not include low-acid or acidified foods.~~

6 (c) "Producer" means a ~~natural~~ person who is a resident of  
7 Colorado and who prepares nonpotentially hazardous foods in a home  
8 kitchen or similar venue for sale directly to consumers pursuant to this  
9 section.

10 **SECTION 2. Act subject to petition - effective date -**

11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
12 the expiration of the ninety-day period after final adjournment of the  
13 general assembly (August 5, 2015, if adjournment sine die is on May 6,  
14 2015); except that, if a referendum petition is filed pursuant to section 1  
15 (3) of article V of the state constitution against this act or an item, section,  
16 or part of this act within such period, then the act, item, section, or part  
17 will not take effect unless approved by the people at the general election  
18 to be held in November 2016 and, in such case, will take effect on the  
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to conduct occurring on or after the applicable  
21 effective date of this act.