

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0350.01 Yelana Love x2295

HOUSE BILL 15-1102

HOUSE SPONSORSHIP

Hamner and Willett,

SENATE SPONSORSHIP

Donovan,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

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 MAKING AN APPROPRIATION.**

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.

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) and (9) (b); and **add** (3) (c) and (10) as follows:

4 **25-4-1614. Home kitchens - exemption - food inspection - short**
5 **title - definitions - rules.** (2) (b) (I) A producer is permitted under this
6 section to sell only a limited range of foods that have been produced,
7 processed, or packaged that are nonpotentially hazardous and do not
8 require refrigeration. These foods are DIVIDED INTO TWO TIERS:

9 (A) TIER ONE FOODS ARE limited to spices, teas, dehydrated
10 produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, FLOUR,
11 and baked goods, including candies, FRUIT EMPANADAS, AND TORTILLAS;
12 AND

13 (B) TIER TWO FOODS ARE LIMITED TO PICKLED VEGETABLES THAT
14 HAVE AN EQUILIBRIUM PH VALUE OF 4.6 OR LOWER.

15 (3) (c) A PRODUCER OPERATING UNDER THIS SECTION SHALL
16 CONSPICUOUSLY DISPLAY A PLACARD, SIGN, OR CARD AT THE POINT OF
17 SALE WITH THE FOLLOWING DISCLAIMER: "THIS PRODUCT WAS PRODUCED
18 IN A HOME KITCHEN THAT IS NOT SUBJECT TO STATE LICENSURE OR
19 INSPECTION. THIS PRODUCT IS NOT INTENDED FOR RESALE."

20 (9) As used in this section:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

(10) THE STATE BOARD OF HEALTH SHALL PROMULGATE RULES, INCLUDING ENFORCEMENT PROVISIONS, NECESSARY TO PROVIDE FOR THE PRODUCTION AND SALE OF TIER TWO FOODS.

SECTION 2. Appropriation. For the 2015-16 state fiscal year, \$120,982 is appropriated to the department of public health and environment for use by the division of environmental health and sustainability. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.4 FTE. To implement this act, the division may use this appropriation for the cottage foods program.

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

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