

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 12-0115.01 Chuck Brackney x2295

**HOUSE BILL 12-1027**

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**HOUSE SPONSORSHIP**

**Bradford,**

**SENATE SPONSORSHIP**

**Spence,**

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**House Committees**  
Economic and Business Development

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE SALE OF NONPOTENTIALLY HAZARDOUS FOOD**  
102 **PRODUCED IN A HOME KITCHEN FOR SALE DIRECTLY TO**  
103 **CONSUMERS FOR CONSUMPTION OFF PREMISES.**

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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 bill permits a person to produce nonpotentially hazardous food in a home kitchen for sale directly to consumers for consumption off premises. County or district public health agencies may register persons who produce nonpotentially hazardous food in a home kitchen for sale

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.*

HOUSE  
Amended 2nd Reading  
January 31, 2012

directly to consumers for consumption off premises. These food products are subject to inspection by local or state public health agencies.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-4-1602, **add** (14)  
3 (m) as follows:

4 **25-4-1602. Definitions.** As used in this part 16, unless the context  
5 otherwise requires:

6 (14) "Retail food establishment" means a retail operation that  
7 stores, prepares, or packages food for human consumption or serves or  
8 otherwise provides food for human consumption to consumers directly or  
9 indirectly through a delivery service, whether such food is consumed on  
10 or off the premises or whether there is a charge for such food. "Retail  
11 food establishment" does not mean:

12 (m) A HOME KITCHEN IN WHICH A PERSON PRODUCES  
13 NONPOTENTIALLY HAZARDOUS FOOD FOR SALE DIRECTLY TO CONSUMERS  
14 FOR CONSUMPTION OFF PREMISES. "HOME KITCHEN" MEANS THE PERSON'S  
15 OWN KITCHEN, NOT A KITCHEN OWNED BY ANOTHER PERSON, BUSINESS, OR  
16 ORGANIZATION.

17 **SECTION 2.** In Colorado Revised Statutes, **add** section  
18 25-4-1603.5 as follows:

19 **25-4-1603.5. Nonpotentially hazardous food produced in a**  
20 **home kitchen - registration - inspection.** (1) NOTHING IN THIS ARTICLE  
21 PROHIBITS, AND SECTIONS 25-4-1603 TO 25-4-1613 DO NOT APPLY TO, THE  
22 PRODUCTION OF NONPOTENTIALLY HAZARDOUS FOOD IN A HOME KITCHEN  
23 OWNED BY THE PRODUCER FOR SALE DIRECTLY TO CONSUMERS THROUGH  
24 TRANSACTIONS THAT TAKE PLACE ON THE FOOD PRODUCER'S PROPERTY OR  
25 AT A ROADSIDE STAND OR FARMERS' MARKET FOR CONSUMPTION OFF

1 PREMISES.

2 (2) THE DEPARTMENT OR A COUNTY OR DISTRICT PUBLIC HEALTH  
3 AGENCY MAY REGISTER PERSONS WHO PRODUCE AND SELL  
4 NONPOTENTIALLY HAZARDOUS FOOD IN A HOME KITCHEN FOR SALE  
5 DIRECTLY TO CONSUMERS FOR CONSUMPTION OFF PREMISES. SUCH  
6 REGISTRATION SHALL BE FOR A PERIOD OF ONE YEAR AND FOR A FEE OF NO  
7 MORE THAN ONE HUNDRED DOLLARS PER PERSON PER YEAR. THE  
8 REGISTRATION MUST BE IN THE COUNTY OF RESIDENCE OF THE PERSON  
9 PRODUCING THE NONPOTENTIALLY HAZARDOUS FOOD, ALTHOUGH THE  
10 PERSON MAY SELL THE FOOD IN THE OTHER COUNTIES. A COUNTY OR  
11 DISTRICT PUBLIC HEALTH AGENCY THAT DECLINES TO REGISTER PERSONS  
12 WHO PRODUCE NONPOTENTIALLY HAZARDOUS FOOD IN A HOME KITCHEN  
13 FOR SALE DIRECTLY TO CONSUMERS MAY NOT PROHIBIT THE SALE OF SUCH  
14 FOOD FOR CONSUMPTION OFF PREMISES.

15 (3) A FOOD PRODUCT PRODUCED PURSUANT TO THIS SECTION IS  
16 SUBJECT TO FOOD SAMPLING AND INSPECTION BY THE DEPARTMENT OR A  
17 COUNTY OR DISTRICT PUBLIC HEALTH AGENCY. LOCAL OR STATE HEALTH  
18 AUTHORITIES MAY CONFISCATE, EMBARGO, CONDEMN, OR REMOVE  
19 PRODUCTS IF NECESSARY.

20 (4) A FOOD PRODUCT PRODUCED PURSUANT TO THIS SECTION MAY  
21 NOT BE INFUSED WITH MEDICAL MARIJUANA OR OTHERWISE  
22 ADULTERATED.

23 (5) (a) A FOOD PRODUCT SOLD PURSUANT TO THIS SECTION MUST  
24 HAVE AN AFFIXED LABEL THAT INCLUDES AT LEAST:

25 (I) IDENTIFICATION OF THE PRODUCT;

26 (II) THE PRODUCER'S NAME, THE ADDRESS AT WHICH THE FOOD  
27 WAS PREPARED, AND THE PRODUCER'S CURRENT TELEPHONE NUMBER AND

1 ELECTRONIC MAIL ADDRESS;

2 (III) A COMPLETE LIST OF INGREDIENTS, INCLUDING ANY  
3 ALLERGENS; AND

4 (IV) THE FOLLOWING DISCLAIMER: "THIS PRODUCT WAS  
5 PRODUCED IN A HOME KITCHEN THAT IS NOT SUBJECT TO STATE LICENSURE  
6 OR INSPECTION. THIS PRODUCT IS NOT INTENDED FOR RESALE."

7 (b) A FOOD PRODUCT SOLD UNDER THIS SECTION AND NOT  
8 LABELED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (5)  
9 IS MISBRANDED AND SUBJECT TO FOOD SAMPLING AND INSPECTION  
10 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

11 (6) A PERSON WHO SELLS FOODS PURSUANT TO THIS SECTION MUST  
12 MAINTAIN LIABILITY INSURANCE.

13 (7) "NONPOTENTIALLY HAZARDOUS" HAS THE MEANING SET FORTH  
14 IN SECTION 25-4-1602 (12) AND DOES NOT INCLUDE LOW-ACID, ACIDIFIED  
15 FOODS, OR CANNED FOODS.

16 (8) A PERSON WHO SELLS FOOD PURSUANT TO THIS SECTION MUST  
17 HAVE A CERTIFICATE OF COMPLETION FROM A FOOD SAFETY TRAINING  
18 COURSE.

19 (9) A PERSON WHO SELLS FOOD PURSUANT TO THIS SECTION MUST  
20 KEEP RECORDS REGARDING RECIPES AND THE PROCUREMENT OF  
21 INGREDIENTS.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.