

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 12-0115.01 Chuck Brackney x2295

**HOUSE BILL 12-1027**

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**HOUSE SPONSORSHIP**

**Bradford,**

**SENATE SPONSORSHIP**

**(None),**

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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.*

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.

15 **SECTION 2.** In Colorado Revised Statutes, **add** section  
16 25-4-1603.5 as follows:

17 **25-4-1603.5. Nonpotentially hazardous food produced in a**  
18 **home kitchen - registration - inspection.** (1) NOTHING IN THIS ARTICLE  
19 PROHIBITS, AND SECTIONS 25-4-1603 TO 25-4-1613 DO NOT APPLY TO, THE  
20 PRODUCTION OF NONPOTENTIALLY HAZARDOUS FOOD IN A HOME KITCHEN  
21 FOR SALE DIRECTLY TO CONSUMERS THROUGH TRANSACTIONS THAT TAKE  
22 PLACE ON THE FOOD PRODUCER'S PROPERTY OR AT A ROADSIDE STAND OR  
23 FARMERS' MARKET FOR CONSUMPTION OFF PREMISES.

24 (2) **THE DEPARTMENT OR A** COUNTY OR DISTRICT PUBLIC HEALTH  
25 AGENCY MAY REGISTER PERSONS WHO PRODUCE AND SELL

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

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

17 (4) A FOOD PRODUCT PRODUCED PURSUANT TO THIS SECTION MAY  
18 NOT BE INFUSED WITH MEDICAL MARIJUANA OR OTHERWISE  
19 ADULTERATED.

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

22 (I) IDENTIFICATION OF THE PRODUCT;

23 (II) THE PRODUCER'S NAME, THE ADDRESS AT WHICH THE FOOD  
24 WAS PREPARED, AND THE PRODUCER'S CURRENT TELEPHONE NUMBER AND  
25 ELECTRONIC MAIL ADDRESS;

26 (III) A COMPLETE LIST OF INGREDIENTS, INCLUDING ANY  
27 ALLERGENS; AND

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

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

8           (6) A PERSON WHO SELLS FOODS PURSUANT TO THIS SECTION MUST  
9 MAINTAIN HOME BAKERY LIABILITY INSURANCE OR OTHER ADEQUATE  
10 LIABILITY INSURANCE.

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