An Act

HOUSE BILL 13-1158

BY REPRESENTATIVE(S) Hamner, Coram, Fields, Fischer, Ginal, Labuda, McLachlan, Mitsch Bush, Pabon, Primavera, Rankin, Rosenthal, Schafer, Singer, Vigil, Williams, Young, Hullinghorst, Lebsock, Ryden, Wright; also SENATOR(S) Schwartz, Cadman, Crowder, Grantham, Guzman, Heath, Jahn, Jones, King, Lundberg, Newell, Tochtrop.

CONCERNING THE "COLORADO COTTAGE FOODS ACT".

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

SECTION 1. In Colorado Revised Statutes, 12-16-103, amend (4) (b) as follows:

12-16-103. Definitions - rules. As used in this part 1, unless the context otherwise requires:

(4) (b) "Dealer" does not include:

(I) A bona fide retail grocery merchants or restaurateurs having a fixed or established place of business in Colorado as long as the use of farm products by any such person is directly related to the operation of the person's retail grocery or restaurant; OR

NOTE: The governor signed this measure on 4/4/2013.
(II) A PRODUCER UNDER THE "COLORADO COTTAGE FOODS ACT", SECTION 25-4-1614 (9) (c), C.R.S., WHO EARS NET REVENUES OF FIVE THOUSAND DOLLARS OR LESS PER CALENDAR YEAR FROM THE SALE OF EACH ELIGIBLE FOOD PRODUCT ON THE PERSON'S PREMISES, AT THE PERSON'S ROADSIDE STAND, AT A FARMERS' MARKET OR COMMUNITY-SUPPORTED AGRICULTURE ORGANIZATION, OR IN ANY SIMILAR VENUE WHERE THE PRODUCT IS SOLD DIRECTLY TO CONSUMERS.

SECTION 2. In Colorado Revised Statutes, 12-16-202, amend (4.5) (b) as follows:

12-16-202. Definitions - rules. As used in this part 2, unless the context otherwise requires:

(4.5) (b) "Commodity handler" does not include:

(I) A bona fide retail grocery merchants MERCHANT or restaurateurs RESTAURATEUR having a fixed or established place of business in Colorado as long as the use of commodities by any such person is directly related to the operation of the person's retail grocery or restaurant; OR

(II) A PRODUCER UNDER THE "COLORADO COTTAGE FOODS ACT", SECTION 25-4-1614 (9) (c), C.R.S., WHO EARS NET REVENUES OF FIVE THOUSAND DOLLARS OR LESS PER CALENDAR YEAR FROM THE SALE OF EACH ELIGIBLE FOOD PRODUCT ON THE PERSON'S PREMISES, AT THE PERSON'S ROADSIDE STAND, AT A FARMERS' MARKET OR COMMUNITY-SUPPORTED AGRICULTURE ORGANIZATION, OR IN ANY SIMILAR VENUE WHERE THE PRODUCT IS SOLD DIRECTLY TO CONSUMERS.

SECTION 3. In Colorado Revised Statutes, 25-4-1614, amend (2) (b), (2) (c), and (3) (a) (II) as follows:

25-4-1614. Home kitchens - exemption - food inspection - short title - definitions. (2) (b) (I) A producer is permitted under this section to sell only a limited range of foods that HAVE BEEN PRODUCED, PROCESSED, OR PACKAGED THAT are nonpotentially hazardous and that do not require refrigeration. These foods are limited to spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, and baked goods, including candies.
(II) A PERSON MAY SELL WHOLE EGGS UNDER THIS SECTION; EXCEPT THAT A PERSON MAY NOT SELL MORE THAN TWO HUNDRED FIFTY DOZEN WHOLE EGGS PER MONTH UNDER THIS SECTION. A PERSON SELLING WHOLE EGGS MUST MEET THE REQUIREMENTS OF SECTION 35-21-105, C.R.S.

(c) A producer must be certified in safe food handling and processing by a third-party certifying entity, comparable to and including the United States department of agriculture or TAKE A FOOD SAFETY COURSE THAT INCLUDES BASIC FOOD HANDLING TRAINING AND IS COMPARABLE TO, OR IS A COURSE GIVEN BY, the Colorado state university cooperative extension service OR A STATE, COUNTY, OR DISTRICT PUBLIC HEALTH AGENCY, and must maintain a status of good standing in accordance with the certifying entity's practices and procedures COURSE REQUIREMENTS, including attending any ADDITIONAL classes required for certification IF NECESSARY.

(3) (a) A food product sold under this section must have an affixed label that includes at least:

(II) The producer's name, the address at which the food was prepared, and the producer's current telephone number and OR electronic mail address;

SECTION 4. In Colorado Revised Statutes, 35-21-105, amend (2) (b) as follows:

35-21-105. Exemption. (2) A person transporting eggs for sale at a farmers' market or similar venue under subsection (1) of this section shall:

(b) Affix to the egg package a label containing the address at which the eggs originated and the date on which the eggs were packaged. Any eggs not treated for salmonella must also include the following statement on the package: "Safe Handling Instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook any foods containing eggs thoroughly. THESE EGGS DO NOT COME FROM A GOVERNMENT-APPROVED SOURCE."
SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino                                      John P. Morse
SPEAKER OF THE HOUSE                                PRESIDENT OF
OF REPRESENTATIVES                                  THE SENATE

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Marilyn Eddins                                       Cindi L. Markwell
CHIEF CLERK OF THE HOUSE                            SECRETARY OF
OF REPRESENTATIVES                                 THE SENATE

APPROVED________________________________________

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John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO