

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0695.02 Chuck Brackney x2295

HOUSE BILL 13-1158

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

Schwartz,

House Committees
Health, Insurance & Environment

Senate Committees
Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE "COLORADO COTTAGE FOODS ACT".**

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 amends the "Colorado Cottage Foods Act" to clarify the food handling and safety course requirement for producers. Food producers under the act are exempted from regulation under the "Farm Products Act". A person is allowed to sell up to 250 dozen eggs per month under the act.

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.

SENATE
Amended 2nd Reading
March 18, 2013

HOUSE
3rd Reading Unamended
February 22, 2013

HOUSE
Amended 2nd Reading
February 21, 2013

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

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

4 **12-16-103. Definitions - rules.** As used in this part 1, unless the
5 context otherwise requires:

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

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

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

19 **SECTION 2.** In Colorado Revised Statutes, 12-16-202, **amend**
20 (4.5) (b) as follows:

21 **12-16-202. Definitions - rules.** As used in this part 2, unless the
22 context otherwise requires:

23 (4.5) (b) "Commodity handler" does not include:

24 (I) A bona fide retail grocery ~~merchants~~ MERCHANT or
25 ~~restaurateurs~~ RESTAURATEUR having a fixed or established place of
26 business in Colorado as long as the use of commodities by any such

1 person is directly related to the operation of the person's retail grocery or
2 restaurant; OR

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

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

12 **25-4-1614. Home kitchens - exemption - food inspection - short**
13 **title - definitions.** (2) (b) (I) A producer is permitted under this section
14 to sell only a limited range of foods that HAVE BEEN PRODUCED,
15 PROCESSED, OR PACKAGED THAT are nonpotentially hazardous and ~~that~~ do
16 not require refrigeration. These foods are limited to spices, teas,
17 dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit
18 butter, and baked goods, including candies.

19 (II) A PERSON MAY SELL WHOLE EGGS UNDER THIS SECTION;
20 EXCEPT THAT A PERSON MAY NOT SELL MORE THAN TWO HUNDRED FIFTY
21 DOZEN WHOLE EGGS PER MONTH UNDER THIS SECTION. A PERSON SELLING
22 WHOLE EGGS MUST MEET THE REQUIREMENTS OF SECTION 35-21-105,
23 C.R.S.

24 (c) A producer must ~~be certified in safe food handling and~~
25 ~~processing by a third-party certifying entity, comparable to and including~~
26 ~~the United States department of agriculture or~~ TAKE A FOOD SAFETY
27 COURSE THAT INCLUDES BASIC FOOD HANDLING TRAINING AND IS

1 COMPARABLE TO, OR IS A COURSE GIVEN BY, the Colorado state university
2 ~~cooperative~~ extension service OR A STATE, COUNTY, OR DISTRICT PUBLIC
3 HEALTH AGENCY, and must maintain a status of good standing in
4 accordance with the ~~certifying entity's practices and procedures~~ COURSE
5 REQUIREMENTS, including attending any ADDITIONAL classes ~~required for~~
6 ~~certification~~ IF NECESSARY.

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

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

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

14 **35-21-105. Exemption.** (2) A person transporting eggs for sale
15 at a farmers' market or similar venue under subsection (1) of this section
16 shall:

17 (b) Affix to the egg package a label containing the address at
18 which the eggs originated and the date on which the eggs were packaged.
19 Any eggs not treated for salmonella must also include the following
20 statement on the package: "Safe Handling Instructions: To prevent illness
21 from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and
22 cook any foods containing eggs thoroughly. THESE EGGS DO NOT COME
23 FROM A GOVERNMENT-APPROVED SOURCE."

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.