

**NOTE: The governor signed this measure on 5/1/2015.**

# An Act

SENATE BILL 15-085

BY SENATOR(S) Martinez Humenik, Ulibarri, Baumgardner, Cooke, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Merrifield, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Todd, Woods, Cadman;

also REPRESENTATIVE(S) Winter and Buck, Arndt, Becker K., Brown, Carver, Esgar, Fields, Ginal, Hamner, Kraft-Tharp, Landgraf, Lawrence, Lebsock, Melton, Mitsch Bush, Moreno, Priola, Rosenthal, Roupe, Saine, Salazar, Tate, Tyler, Van Winkle, Vigil, Willett, Young, Hullinghorst, Conti, Kagan, Lee, Pettersen, Ransom, Williams.

CONCERNING THE EXPANSION OF THE "COLORADO COTTAGE FOODS ACT,"  
AND, IN CONNECTION THEREWITH, INCREASING THE NET REVENUE A  
PRODUCER CAN EARN UNDER THE ACT.

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

**SECTION 1.** In Colorado Revised Statutes, 25-4-1614, **amend** (2) (e) and (9) (c) as follows:

**25-4-1614. Home kitchens - exemption - food inspection - short title - definitions.** (2) (e) This section applies only to producers who earn net revenues of ~~five~~ TEN thousand dollars or less per calendar year from the

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

sale of each eligible food product produced in the producer's home kitchen or a commercial, private, or public kitchen.

(9) As used in this section:

(c) "Producer" means a ~~natural person who is a resident of Colorado~~ ~~and~~ who prepares nonpotentially hazardous foods in a home kitchen or similar venue for sale directly to consumers pursuant to this section. A PRODUCER MAY ONLY BE:

(I) AN INDIVIDUAL WHO IS A RESIDENT OF COLORADO; OR

(II) A LIMITED LIABILITY COMPANY FORMED IN COLORADO, CONSISTING OF TWO OR FEWER MEMBERS, AND OF WHICH ALL MEMBERS ARE RESIDENTS OF COLORADO.

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

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

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

(II) A producer under the "Colorado Cottage Foods Act", section 25-4-1614 (9) (c), C.R.S., who earns net revenues of ~~five~~ TEN 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, 12-16-202, **amend** (4.5) (b) (II) 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:

(II) A producer under the "Colorado Cottage Foods Act", section

25-4-1614 (9) (c), C.R.S., who earns net revenues of ~~five~~ TEN 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 4. 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.

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO