

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 15-0546.01 Yelana Love x2295

SENATE BILL 15-085

SENATE SPONSORSHIP

Martinez Humenik, Ulibarri

HOUSE SPONSORSHIP

Winter and Buck,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

Business Affairs and Labor

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF THE "COLORADO COTTAGE FOODS**
102 **ACT," AND, IN CONNECTION THEREWITH, INCREASING THE NET**
103 **REVENUE A PRODUCER CAN EARN UNDER THE 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/bills summaries>.)

The bill increases the amount of net revenue a producer selling under the "Colorado Cottage Foods Act" may earn per eligible product from \$5,000 to \$20,000 each calendar year. The bill defines "small business" and allows producers to sell products directly to small businesses for resale.

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
3rd Reading Unamended
February 4, 2015

SENATE
Amended 2nd Reading
February 3, 2015

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

2

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

5 **25-4-1614. Home kitchens - exemption - food inspection - short**
6 **title - definitions.** (2) (e) This section applies only to producers who
7 earn net revenues of five TEN thousand dollars or less per calendar year
8 from the sale of each eligible food product produced in the producer's
9 home kitchen or a commercial, private, or public kitchen.

10 (9) As used in this section:

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

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

16 (II) A LIMITED LIABILITY COMPANY AS DEFINED IN SECTION
17 7-80-102, C.R.S.

18

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

21 **12-16-103. Definitions - rules.** As used in this part 1, unless the
22 context otherwise requires:

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

24 (II) A producer under the "Colorado Cottage Foods Act", section
25 25-4-1614 (9) (c), C.R.S., who earns net revenues of ~~five~~ TEN thousand
26 dollars or less per calendar year from the sale of each eligible food

1 product. ~~on the person's premises, at the person's roadside stand, at a~~
2 ~~farmers' market or community-supported agriculture organization, or in~~
3 ~~any similar venue where the product is sold directly to consumers.~~

4 **SECTION 3.** In Colorado Revised Statutes, 12-16-202, **amend**
5 (4.5) (b) (II) as follows:

6 **12-16-202. Definitions - rules.** As used in this part 2, unless the
7 context otherwise requires:

8 (4.5) (b) "Commodity handler" does not include:

9 (II) A producer under the "Colorado Cottage Foods Act", section
10 25-4-1614 (9) (c), C.R.S., who earns net revenues of ~~five~~ TEN thousand
11 dollars or less per calendar year from the sale of each eligible food
12 product. ~~on the person's premises, at the person's roadside stand, at a~~
13 ~~farmers' market or community-supported agriculture organization, or in~~
14 ~~any similar venue where the product is sold directly to consumers.~~

15 **SECTION 4. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 5, 2015, if adjournment sine die is on May 6,
19 2015); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2016 and, in such case, will take effect on the
24 date of the official declaration of the vote thereon by the governor.

25 (2) This act applies to conduct occurring on or after the applicable
26 effective date of this act.