



House of Representatives

General Assembly

File No. 393

January Session, 2015

House Bill No. 5027

House of Representatives, April 2, 2015

The Committee on Public Health reported through REP. RITTER of the 1st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING COTTAGE FOOD PRODUCTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-151 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 For the purposes of this section and sections 21a-152 to 21a-160,
4 inclusive:

5 (1) "Bakery" means a building or part of a building where bread,
6 cakes, doughnuts, crullers, pies, cookies, crackers, spaghetti, macaroni
7 or other food products are made, either wholly or in part of flour or
8 meal, including frozen or canned baked goods. "Bakery" includes, but
9 is not limited to, any restaurant, hotel, private institution, [home
10 bakery,] establishment operating doughnut-frying equipment or other
11 similar place that offers such food products for sale.

12 (2) "Food manufacturing establishment" means a building or part of
13 a building where food is prepared for sale to other establishments for

14 human consumption. For purposes of this subdivision, "prepared"
15 means a process of canning, cooking, freezing, dehydrating, milling,
16 repacking or cutting. Premises that are used solely for the retail sale or
17 storage of prepackaged food, and facilities, as described in sections
18 21a-24a and 22-6r and chapters 417, 419a, 422, 423, 430, 431 and 491,
19 shall not be considered food manufacturing establishments.

20 (3) "Food warehouse" means a building or part of a building where
21 food is stored for wholesale distribution, provided such building or
22 part of such building is used primarily for the importation, storage or
23 distribution of packaged food and not for other activities for which a
24 license is required pursuant to section 21a-152. Premises licensed
25 pursuant to said section and facilities, as described in sections 21a-24a
26 and 22-6r and chapters 417, 419a, 422, 423, 430, 431 and 491, shall not
27 be considered food warehouses.

28 (4) "Packaged food" means standard or random weight or volume
29 packages of food commodities that are enclosed in a container or
30 wrapped in any manner in advance of wholesale or retail sale, such
31 that the food commodities cannot be added to or subtracted from the
32 package or wrapping without breaking or tearing the wrapping,
33 container or seals on the wrapping or container.

34 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) Preparation of food in a
35 private residential dwelling for sale for human consumption shall be
36 allowed provided it conforms to the regulations adopted pursuant to
37 subsection (b) of this section.

38 (b) The Commissioner of Public Health, after consulting with the
39 Commissioner of Consumer Protection, shall adopt regulations, in
40 accordance with the provisions of chapter 54 of the general statutes, to
41 allow the preparation of food in a private residential dwelling for sale
42 for human consumption.

This act shall take effect as follows and shall amend the following sections:

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Consumer Protection, Dept.	GF - Revenue Loss	Less than \$2,000	Less than \$2,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill exempts home bakeries from the Department of Consumer Protection's (DCP) bakery licensing requirements. This will result in a revenue loss that is anticipated to be less than \$2,000. The bill also requires the Department of Public Health to adopt regulations regarding food for sale in private residences which has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5027*****AN ACT CONCERNING COTTAGE FOOD PRODUCTION.*****SUMMARY:**

This bill exempts home bakeries from the law's bakery licensing requirement. Under current law, home bakeries must be licensed by the Department of Consumer Protection (DCP). In general, to obtain a license a home bakery operator must complete an application and the bakery premises must be inspected.

The bill instead allows preparing food for sale in private residences if the preparation is done according to Department of Public Health (DPH) regulations that the bill requires the DPH commissioner to adopt. The bill does not provide a deadline for adopting the regulations, but requires the DPH commissioner to consult with the DCP commissioner before doing so.

Current law and regulations generally prohibit the sale of home-made food (e.g., CGS §§ 21a-93 and 21a-101, Conn. Agencies Reg. §§ 21a-101-3(f)(3) and 19-13-B40(j)). Exemptions from the prohibition include such foods as jams, jellies, preserves, and acidified food products (CGS § 21a-24a); maple syrup (CGS § 21a-24b); and foods prepared for bake sales or similar events (CGS § 21a-115).

EFFECTIVE DATE: October 1, 2015

COMMITTEE ACTION

General Law Committee

Joint Favorable Change of Reference

Yea 18 Nay 0 (03/12/2015)

Public Health Committee

Joint Favorable

Yea 27 Nay 0 (03/23/2015)