

Legislative Analysis



COTTAGE FOOD OPERATIONS

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House Bill 4114

Sponsor: Rep. Nancy Jenkins

Committee: Commerce

Complete to 9-27-11

A SUMMARY OF HOUSE BILL 4114 AS INTRODUCED 1-20-11

Public Act 112 of 2010 exempted "cottage food operations" from the licensing and evaluation provisions of the Food Law of 2000 if they have annual gross sales of \$15,000 or less. House Bill 4114 would amend the Food Law to raise this threshold to \$30,000.

A "cottage food operation" is defined as a person who produces or packages cottage food products only in a kitchen of that person's primary domestic residence within the state.

A "cottage food product" is defined to mean a food that is not potentially hazardous food as that term is defined in the Food Code. Examples of cottage food product include jams, jellies, dried fruit, candy, cereal, granola, dry mixes, vinegar, dried herbs, and baked goods that do not require temperature control for safety. The term does not include all potentially hazardous food regulated under federal law (at 21 CFR 113 and 114), examples of which include meat and poultry products; salsa, milk products; bottled water and other beverages; and home -produced ice products.

The cottage food exemption does not include an exemption from the adulteration and other standards imposed by the act. Neither does it limit the ability of the Department of Agriculture to take appropriate enforcement action for engaging in prohibited acts under the Food Code.

The Food Law contains a number of restrictions on cottage food products. For example, they can be stored only in the primary domestic residence and may be sold directly from the cottage food operation to the consumer only, and not by internet or mail order. Sales by consignment or at wholesale are prohibited. The products must be labeled as "made in a home kitchen that has not been inspected by the Michigan Department of Agriculture."

MCL 289.4102

FISCAL IMPACT:

A fiscal analysis is in process.

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Fiscal Analyst: William E. Hamilton

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