

# HOUSE BILL No. 4114

January 20, 2011, Introduced by Reps. Jenkins, Zorn, Hughes, Shaughnessy and Rendon and referred to the Committee on Commerce.

A bill to amend 2000 PA 92, entitled  
"Food law of 2000,"  
by amending section 4102 (MCL 289.4102), as added by 2010 PA 112.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4102. (1) A cottage food operation is exempt from the  
2       licensing and evaluation provisions of this act. This exemption  
3       does not include an exemption from the adulteration and other  
4       standards imposed in this section or under this act, or both, and  
5       does not limit the ability of the department to take appropriate  
6       enforcement action for applicable violations as described in  
7       section 5101. This subsection does not require a cottage food  
8       operation to meet the standards contained in 21 CFR 110 or the 2005  
9       federal food code., ~~or both.~~

1 (2) Cottage food products shall be prepackaged and properly  
2 labeled prior to sale.

3 (3) At a minimum, a cottage food operation shall place on the  
4 label of any food it produces or packages the following  
5 information:

6 (a) The name and address of the business of the cottage food  
7 operation.

8 (b) The name of the cottage food product.

9 (c) The ingredients of the cottage food product, in descending  
10 order of predominance by weight.

11 (d) The net weight or net volume of the cottage food product.

12 (e) Allergen labeling as specified by federal labeling  
13 requirements.

14 (f) If any nutritional claim is made, appropriate labeling as  
15 specified by federal labeling requirements.

16 (g) The following statement printed in at least the equivalent  
17 of 11-point font size in a color that provides a clear contrast to  
18 the background: "Made in a home kitchen that has not been inspected  
19 by the Michigan department of agriculture."

20 (4) Cottage food products may be sold directly from the  
21 cottage food operation to the consumer only, and not by internet or  
22 mail order. Sales by consignment or at wholesale are prohibited.

23 (5) The gross sales of cottage food products shall not exceed  
24 ~~\$15,000.00~~ **\$30,000.00** annually. The determination of the ~~\$15,000.00~~  
25 **\$30,000.00** annual gross sales shall be computed on the basis of the  
26 amount of gross sales within or at a particular domestic residence  
27 and shall not be computed on a per-person basis within or at that

1 domestic residence. The department may request in writing  
2 documentation to verify the annual gross sales figure.

3 (6) Cottage food products shall be stored only in the primary  
4 domestic residence.

5 (7) An exemption under this section does not affect the  
6 application of any other state or federal laws or any applicable  
7 ordinances enacted by any local unit of government.