

HOUSE No. 758

The Commonwealth of Massachusetts

PRESENTED BY:

Nicholas A. Boldyga

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote economic opportunities for cottage food entrepreneurs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/19/2023</i>

HOUSE No. 758

By Representative Boldyga of Southwick, a petition (accompanied by bill, House, No. 758) of Nicholas A. Boldyga relative to the regulation and availability of cottage foods. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 862 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to promote economic opportunities for cottage food entrepreneurs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 146 of chapter 94 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting, in line 11, after the word “health.”, the
3 following words:- Local boards of health shall not establish rules or regulations for cottage food
4 operations.

5 SECTION 2. Section 1 of chapter 94 of the General Laws, as appearing in the 2016
6 Official Edition, is hereby amended by inserting after the definition of ‘cosmetic’ the following
7 definitions:- ‘cottage food operation’, in sections 146 and 330, is a person who produces cottage
8 food products only in the home kitchen of that person’s domestic residence for retail sale directly
9 to the consumer either in person, including but not limited to farmers markets, public events, and
10 roadside stands, by telephone, internet, or mail delivery. ‘Cottage food product’ in section 330, is

11 a non-time/temperature control for safety food including but not limited to baked goods, jams or
12 jellies, and other non-time/temperature control for food safety food produced at a cottage food
13 operation.

14 SECTION 3. Said chapter 94 of the General Laws, is hereby further amended by
15 inserting after section 329 the following section:- Section 330. (a) Other than requirements set
16 forth in this section, a cottage food operation is exempt from permitting, licensing, inspection,
17 packaging, and labelling requirements for food establishments set by State law, the Department
18 of Public Health, and local boards of health.

19 (b) This section does not exempt a cottage food business from any applicable State or
20 federal tax laws.

21 (c) Nothing in this chapter shall be construed to impede the Department of Public Health
22 or local health boards in any investigation of a reported foodborne illness.

23 (d) Nothing in this chapter shall preclude the Department of Public Health or local health
24 boards from providing assistance, consultation, or an inspection at the request of the producer of
25 a cottage food product.

26 (e) Cottage food operations must provide the following information to the consumer:

27 (1) the cottage food operation's name;

28 (2) the cottage food operation's address or personal identification number;

29 (3) the common or usual name of the cottage food product;

30 (4) the ingredients of the cottage food product in descending order of predominance; and

31 (5) the following statement: “This product was produced at a private residence that is
32 exempt from Massachusetts licensing and inspection requirements. This product may contain
33 allergens.”

34 (f) The information required in subsection (e) must be provided:

35 (1) on a label affixed to the package if the cottage food product is packaged;

36 (2) on a label affixed to the container, if the cottage food product is offered for sale from
37 a bulk container;

38 (3) on a placard displayed at the point of sale, if the cottage food product is neither
39 packaged nor offered for sale from a bulk container; or

40 (4) on the webpage on which the cottage food product is offered for sale if the cottage
41 food product is offered for sale on the internet.

42 (5) If the cottage food product is sold by telephone or custom order, the seller need not
43 display the information required by section, but the seller must disclose to the consumer that the
44 cottage food product is produced at residential kitchen that is exempt from state licensing and
45 inspection requirements; and may contain allergens.

46 (g) The Department of Public Health shall establish and maintain a voluntary cottage
47 food operation registry. The voluntary cottage food operation registry shall only allow the
48 Department of Public Health to issue personal identification numbers for cottage food product
49 labels as an alternative to the cottage food operation’s address. The Department of Public Health
50 shall issue a personal identification number to cottage food operators who have submitted
51 applications for the registry that are approved by the Department of Public Health and have paid

52 the registration fee. The Department of Public Health may charge a fee, not to exceed \$25, to
53 each cottage food operation registrant.

54 (h) The Department of Public Health shall make available an application for the cottage
55 food operation registry that provides for the following:

56 (1) the cottage food operator's full name,

57 (2) the cottage food operation's address,

58 (3) the cottage food operation's primary telephone number, and

59 (4) the cottage food operation's primary email address.

60 (i) The cottage food operation shall update the Department of Public Health when there is
61 a change to any of the registration details including their name, residential kitchen address,
62 telephone number, and email address.

63 (j) The Department of Public Health shall not require cottage food operators to register
64 for a personal identification number.