

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

# HOUSE BILL NO. 1697

## 101ST GENERAL ASSEMBLY

3826H.01T

2022

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### AN ACT

To repeal section 196.298, RSMo, and to enact in lieu thereof one new section relating to cottage food production operations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 196.298, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 196.298, to read as follows:

196.298. 1. As used in this section, the following terms shall mean:

(1) "Baked good", includes cookies, cakes, breads, danish, donuts, pastries, pies, and other items that are prepared by baking the item in an oven. A baked good does not include a potentially hazardous food item as defined by department rule;

(2) "Cottage food production operation", an individual operation out of the individual's home who:

(a) Produces a baked good, a canned jam or jelly, or a dried herb or herb mix for sale at the individual's home; **and**

(b) ~~[Has an annual gross income of fifty thousand dollars or less from the sale of food described in paragraph (a) of this subdivision; and~~

~~(e)]~~ Sells the food produced under paragraph (a) of this subdivision only directly to consumers;

(3) "Department", the department of health and senior services;

(4) "Home", a primary residence that contains a kitchen and appliances designed for common residential usage.

2. A cottage food production operation is not a food service establishment and shall not be subject to any health or food code laws or regulations of the state or department other than this section and rules promulgated thereunder for a cottage food production operation.

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19           3. (1) A local health department shall not regulate the production of food at a cottage  
20 food production operation.

21           (2) Each local health department and the department shall maintain a record of a  
22 complaint made by a person against a cottage food production operation.

23           4. The department shall promulgate rules requiring a cottage food production  
24 operation to label all of the foods described in this section which the operation intends to sell  
25 to consumers. The label shall include the name and address of the cottage food production  
26 operation and a statement that the food is not inspected by the department or local health  
27 department.

28           5. A cottage food production operation shall not sell any foods described in this  
29 section through the internet **unless both the cottage food production operation and the**  
30 **purchaser are located in this state.**

31           6. Nothing in this section shall be construed to prohibit the authority of the  
32 department of health and senior services or local health departments to conduct an  
33 investigation of a food-borne disease or outbreak.

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