

SENATE BILL 2104

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 43; Title 53 and Title 68,
relative to food.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-1-102, is amended by inserting the following as new subdivisions:

() "Home consumption" means consumption of a homemade food or drink product by an informed end consumer, or family members, employees, or nonpaying guests of an informed end consumer, at a location other than the property where the producer grows, harvests, prepares, or processes any homemade food or drink product;

()

(A) "Homemade food or drink product" means food or drink that is grown, harvested, prepared, or processed in a private home kitchen that is not licensed, inspected, or regulated;

(B) "Homemade food or drink product" does not include meat products, except for the following:

(i) Poultry and poultry products; if:

(a) The producer slaughters not more than one thousand (1,000) poultry of the producer's own raising during any one (1) calendar year;

(b) The producer does not engage in buying or selling poultry products other than those produced from poultry of the producer's own raising; and

(c) The poultry or poultry product is not adulterated or misbranded;

(ii) Live animals;

(iii) Portions of live animals before slaughter for future delivery;

(iv) Domestic rabbit meat; and

(v) Farm-raised fish; if:

(a) The fish is raised in accordance with title 43; and

(b) The fish is not catfish;

(C) "Homemade food or drink product" does not include beverages that are suitable for human consumption and contain one half of one percent (0.5%) or more of alcohol by volume;

() "Informed end consumer" means a person who purchases a homemade food or drink product, who does not resell the homemade food or drink product, and who has been informed that the homemade food or drink product is not licensed, regulated, or inspected;

() "Producer" means any person who grows, harvests, prepares, or processes any homemade food or drink product on such person's own property;

SECTION 2. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) Except as provided in this section, this chapter does not apply to homemade food or drink products that are grown, harvested, prepared, processed, and sold by a producer to an informed end consumer for home consumption.

(b) A permit is not required under this title for growing, harvesting, preparing, processing, and selling of homemade food or drink products by a producer to an informed end consumer for home consumption.

(c) A producer who offers for sale a homemade food or drink product must display signage to notify potential informed end consumers that the homemade food or drink product is not certified, labeled, licensed, packaged, regulated, or inspected.

(d) This section does not impede the department of health in any investigation of foodborne illness.

(e) This section does not prohibit any governmental agency from providing assistance, consultation, or inspection at the request of the producer.

(f) This section does not exempt any producer from complying with federal law.

(g) Nothing in this section prohibits a municipal, county, or metropolitan government from regulating, within its territorial jurisdiction, the sale of homemade food or drink products that are grown, harvested, prepared, processed, and sold by a producer to an informed end consumer for home consumption. This subsection (g) shall not authorize any municipal, county, or metropolitan government to regulate homemade food or drink products that are exempt from local regulation under any other law including, but not limited to:

(1) Milk that is exempt under § 53-3-119;

(2) Non-potentially hazardous food that is exempt under § 53-1-208(d);

(3) Poultry that is exempt under § 53-7-209(a)(5);

(4) Meat that is exempt under § 53-7-209(a)(6);

(5) Fresh fruits and fresh vegetables that are exempt under § 53-8-

203(14)(B)(ii); and

(6) Honey that is exempt under § 53-8-203(14)(B)(v).

SECTION 3. Tennessee Code Annotated, Section 53-8-207, is amended by adding the following as a new subsection:

(1) A permit is not required for the operation of a business where the only sales of food or beverages that occur are purchases made by informed end consumers of homemade food or drink products from producers.

(2) For purposes of this subsection, the terms "homemade food or drink product", "producer", and "informed end consumer" have the same meanings as defined in § 53-1-102.

(3) This subsection does not exempt any producer from complying with federal law.

(4) Nothing in this subsection prohibits a municipal, county, or metropolitan government from regulating, within its territorial jurisdiction, the sale of homemade food or drink products that are grown, harvested, prepared, processed, and sold by a producer to an informed end consumer for home consumption. This subdivision (4) shall not authorize any municipal, county, or metropolitan government to regulate homemade food or drink products that are exempt from local regulation under any other law including, but not limited to:

(A) Milk that is exempt under § 53-3-119;

(B) Non-potentially hazardous food that is exempt under § 53-1-208(d);

(C) Poultry that is exempt under § 53-7-209(a)(5);

(D) Meat that is exempt under § 53-7-209(a)(6);

(E) Fresh fruits and fresh vegetables that are exempt under § 53-8-

203(14)(B)(ii); and

(F) Honey that is exempt under § 53-8-203(14)(B)(v).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.