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**SUBSTITUTE HOUSE BILL 2698**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Freeman, Overstreet, Smith, and Tharinger)

READ FIRST TIME 02/05/14.

1       AN ACT Relating to expanding the products considered to be  
2 potentially nonhazardous as they apply to cottage food operations; and  
3 amending RCW 69.22.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 69.22.010 and 2011 c 281 s 1 are each amended to read  
6 as follows:

7       The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9       (1) "Cottage food operation" means a person who produces cottage  
10 food products only in the home kitchen of that person's primary  
11 domestic residence in Washington and only for sale directly to the  
12 consumer.

13       (2) "Cottage food products" means nonpotentially hazardous baked  
14 goods; baked candies and candies made on a stovetop; jams, jellies,  
15 preserves, and fruit butters as defined in 21 C.F.R. Sec. 150 as it  
16 existed on July 22, 2011; and other nonpotentially hazardous foods  
17 identified by the director in rule.

18       (3) "Department" means the department of agriculture.

19       (4) "Director" means the director of the department.

1 (5) "Domestic residence" means a single-family dwelling or an area  
2 within a rental unit where a single person or family actually resides.  
3 Domestic residence does not include:

4 (a) A group or communal residential setting within any type of  
5 structure; or

6 (b) An outbuilding, shed, barn, or other similar structure.

7 (6) "Home kitchen" means a kitchen primarily intended for use by  
8 the residents of a home. It may contain one or more stoves or ovens,  
9 which may be a double oven, designed for residential use.

10 (7) "Permitted area" means the portion of a domestic residence  
11 housing a home kitchen where the preparation, packaging, storage, or  
12 handling of cottage food products occurs.

13 (8) "Potentially hazardous food" means foods requiring temperature  
14 control for safety because they are capable of supporting the rapid  
15 growth of pathogenic or toxigenic microorganisms, or the growth and  
16 toxin production of *Clostridium botulinum*.

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