

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 525

AN ACT

To amend chapter 196, RSMo, by adding thereto two new sections relating to the preparation of food preparation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Chapter 196, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 196.056 and 196.298, to
3 read as follows:

4 196.056. 1. A nonprofit organization may prepare food in a
5 private home or other area for distribution to the end consumer
6 at a charitable fundraising event.

7 2. The nonprofit organization shall inform the consumer by
8 placing a clearly visible placard at the serving location that
9 the food was prepared in a kitchen that is not subject to
10 regulation and inspection by the regulatory authority.

11 3. The nonprofit organization may notify the regulatory
12 authority in writing or via electronic mail prior to the
13 beginning of the event. If made, such notification shall include
14 the following: name of the nonprofit organization; date, time,
15 and location of the event; and name and contact information of
16 the person responsible for the event.

17 4. This section does not apply to a food establishment
18 regulated by the department of health and senior services
19 providing food for the event.

1 5. This section shall not apply to any county with a
2 charter form of government and with more than nine hundred fifty
3 thousand inhabitants, any city not within a county, any county
4 with a charter form of government and with more than two hundred
5 thousand but fewer than three hundred fifty thousand inhabitants,
6 and any county with a charter form of government and with more
7 than three hundred thousand but fewer than four hundred fifty
8 thousand inhabitants.

9 196.298. 1. As used in this section, the following terms
10 shall mean:

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

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

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

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

22 (c) Sells the food produced under paragraph (a) of this
23 subdivision only directly to consumers;

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

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

28 2. A cottage food production operation is not a food

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

5 3. (1) A local health department shall not regulate the
6 production of food at a cottage food production operation.

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

10 4. The department shall promulgate rules requiring a
11 cottage food production operation to label all of the foods
12 described in this section which the operation intends to sell to
13 consumers. The label shall include the name and address of the
14 cottage food production operation and a statement that the food
15 is not inspected by the department or local health department.

16 5. A cottage food production operation shall not sell any
17 foods described in this section through the internet.