SENATE BILL NO. 525

97TH GENERAL ASSEMBLY

AN ACT

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

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

Section A. Chapter 196, RSMo, is amended by adding thereto two new

2 sections, to be known as sections 196.056 and 196.298, to read as follows:

196.056. 1. A nonprofit organization may prepare food in a

2 **private home or other area for distribution to the end consumer at a**

3 **charitable fundraising event.**

4 **2. The nonprofit organization shall inform the consumer by**

5 **placing a clearly visible placard at the serving location that the food**

6 **was prepared in a kitchen that is not subject to regulation and**

7 **inspection by the regulatory authority.**

8 **3. The nonprofit organization may notify the regulatory**

9 **authority in writing or via electronic mail prior to the beginning of the**

10 **event. If made, such notification shall include the following: name of**

11 **the nonprofit organization; date, time, and location of the event; and**

12 **name and contact information of the person responsible for the event.**

13 **4. This section does not apply to a food establishment regulated**

14 **by the department of health and senior services providing food for the**

15 **event.**

16 **5. This section shall not apply to any county with a charter form**

17 **of government and with more than nine hundred fifty thousand**

18   inhabitants, any city not within a county, any county with a charter
19   form of government and with more than two hundred thousand but
20   fewer than three hundred fifty thousand inhabitants, and any county
21   with a charter form of government and with more than three hundred
22   thousand but fewer than four hundred fifty thousand inhabitants.

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

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

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

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

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

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

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

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

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

22   3. (1) A local health department shall not regulate the
23   production of food at a cottage food production operation.

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

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

33   **5. A cottage food production operation shall not sell any foods**

34   **described in this section through the internet.**

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