

ALABAMA COTTAGE FOOD LAW

Background

Alabama Bill SB160 allows the preparation of some foods at a private home and sold under specific conditions:

- Eligible cottage foods are baked goods, jellies/jams, candy, dried herbs/herb mixes, dried fruits/ vegetables, roasted coffee, and fermented fruits/ vegetables—provided alcohol production does not occur and the product has a pH allowed by the Health Department.
- Any foods that require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation are explicitly excluded.
- Foods must be labeled with (min. 10pt font):
 - Common name of product;
 - Name and address of producer;
 - List of ingredients, in descending order of predominance;
 - Statement that the products are not inspected by the Health Department; and
 - Disclaimer that the product may contain allergens.
- Foods must be prepared in the home (primary residence).
- Foods must be sold directly to the consumer. Wholesale to restaurants, shops, etc., for use or resale is inferred as prohibited.
- The cottage food entity must obtain and maintain certification from an approved food safety training course.
 - Jefferson County accepts food safety certification from JCDH, Alabama Cooperative Extension System (ACES) Cottage Food Certification, or any American National Standards Institute (ANSI) accredited program.
 - *ACES Cottage Food Course is the recommended training.*
- The cottage food entity is required to register with the local health department.

Registration

1. The cottage food entity will complete the attached form and submit it with the listed information (sample label, proof of food safety training, and a list of foods to be produced that meet the definition of cottage food as described in the law).
2. JCDH Food and Lodging Protection (FLP) staff (Program Manager or Supervisor) will review the documents and, finding them in accordance with the requirements, sign the form indicating review. Should the submission not be in compliance, the reviewer will notify the registrant why the registration cannot be accepted and request amendments.
3. JCDH FLP administrative staff will assign the completed registration form an identifier. This number and all pertinent information will be entered into a database or record-keeping system, and the hard copy will be placed in the cottage food file to be maintained by the Administrative Staff.
4. The registrant will be notified in writing of the approved registration with a letter and a copy of the signed registration form.

Renewal

Upon expiration of the food safety certification, it will be the responsibility of the registrant to notify JCDH of the updated food safety certification. A copy of the updated document must be submitted with a new registration form and example label. Registrants will retain the same identifying number, with the information updated in the database/record-keeping system.



Jefferson County Department of Health
Food & Lodging Protection Division
1400 6th Ave South
Birmingham, AL 35233
Office (205) 930-1260 Fax (205) 939-3019
food.lodging@jcdh.org

Date _____ County Jefferson

Name of Applicant _____

Home Address _____ Phone _____

City _____ State AL Zip Code _____

Email Address _____

Products Produced _____

☐ Current Food Safety Course Certification

☐ Label(s) (at least 10pt font). Must Include:

- Common name of product
- Name and address of producer
- List of ingredients, in descending order of predominance
- Statement that products are not inspected by the Health Department
- Disclaimer that the product may contain allergens

I hereby certify that the above statements are true and correct, and I (we) agree to comply with all of the provisions of the State Board of Health Rules. I further understand that under these provisions, foods can only be produced in my primary home kitchen for direct sales to the final consumer.

By typing your name, you are agreeing to the terms listed above.

Signature

Title

FOR OFFICIAL USE ONLY

Approved By

Date

Registration Number Issued

Expiration Date

SB160
208265-2
By Senators Allen and McClendon
RFD: Healthcare
First Read: 02-FEB-21

208265-2:n:11/12/2020:AHP/bm LSA2020-1988R1

SYNOPSIS: Existing law provides that in-home cottage food production of baked goods, jams, jellies, candies, and dried herb and herb mixes are excluded from regulation by the State Department of Health and county health departments, as well as the requirement to have a food service permit.

Existing law also prohibits online in-person, and phone sales by cottage food production operations.

This bill would allow online, in-person, and phone sales by cottage food production operations, as well as delivery directly to consumers in person, by mail, or through an agent of the producer.

Existing law also places a \$20,000 cap on gross receipts by cottage food production operations. This bill would remove the \$20,000 cap on gross receipts by cottage food production operations.

This bill would also require cottage food production operations to label each product sold with a list of the ingredients contained in the product, as well as a disclaimer if the product contains or may contain allergens.

A BILL
TO BE ENTITLED
AN ACT

Relating to cottage food production operations; to amend Section 22-20-5.1, Code of Alabama 1975; to allow various methods of sales by cottage food production operations; to remove the existing cap on gross receipts by cottage food production operations; and to require cottage food production operations to include certain nutrition information on the label of each product offered for sale.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-20-5.1, Code of Alabama 1975, is amended to read as follows:
22-20-5.1.

(a) For purposes of this section, the following words have the following meanings:

(1) COTTAGE FOOD. D. A non-potentially hazardous food that has been prepared in a person's home that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation and that does not include meat, poultry, or fish, including the following:

- a. Cakes, breads, Danish pastries, donuts, pastries, and pies.
- b. Jam, jellies, and fruit preserves.
- c. Candy.
- d. Dried and dehydrated herbs, herb mixes, vegetables, or fruits
- e. Roasted coffee.
- f. Dried baking mixes.
- g. Fermented or preserved vegetables or fruit that do not result in the production of alcohol and that have an acidity level allowed by the department.

(2) COTTAGE FOOD PRODUCTION OPERATION. A person operating out of his or her home who meets the following requirements:

- a. Produces a cottage food for sale at the person's home.
- b. Sells the foods produced under paragraph a. only directly to consumers, whether in-person, by phone, or online in the state.
- c. Delivers the foods produced under paragraph a. directly to consumers in the state, whether in person, through an agent of the producer, or by mail.

(3) DEPARTMENT. The State Department of Public Health.

(4) HOME. A primary residence that contains a kitchen and appliances designed for common residential use.

(5) NON-POTENTIALLY HAZARDOUS. A food that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

(b) A cottage food production operation is not a food service establishment and is not required to have a food service permit issued by the county health department.

(c) Neither the State Department of Public Health nor a county health department may regulate the production of food at a cottage food production operation except as provided by this section.

(d) The department may issue a stop sale, seize, or hold order for any food suspected of being

the cause of a foodborne illness.

(e) A cottage food production operation shall label cottage foods that the operation sells to consumers, and requiring completion of shall complete a food safety course approved by the department. The label shall include in at least size 10-point font the common or usual name of the food, the name, and home or P.O. Box address of the cottage food production operation, and a statement that the food is not inspected by the department or local health department. The label shall also contain a list of the ingredients in the food in descending order of predominance and shall include a disclaimer that the food may contain allergens. The operator of a cottage food production operation, shall maintain certification of having attended and passed a food safety course approved by the department.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Statutes affected:

Introduced: 22-20-5