SENATE DOCKET, NO. 806 FILED ON: 2/8/2021

SENATE . . . . . No. 533

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote economic opportunities for cottage food entrepreneurs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Ryan C. Fattman	*Worcester and Norfolk*	
Steven G. Xiarhos	*5th Barnstable*	*3/31/2021*
Susan Williams Gifford	*2nd Plymouth*	*4/8/2021*

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SENATE . . . . . No. 533

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 533) of Ryan C. Fattman, Steven G. Xiarhos and Susan Williams Gifford for legislation to promote economic opportunities for cottage food entrepreneurs. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to promote economic opportunities for cottage food entrepreneurs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 146 of chapter 94 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 51, after the word "health.", the following words:- Local boards of health shall not establish rules or regulations for cottage food operations.

SECTION 2. Section 1 of chapter 94 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the definition of 'cosmetic' the following definitions:- 'cottage food operation', in sections 146 and 330, is a person who produces cottage food products only in the home kitchen of that person's domestic residence for retail sale directly to the consumer either in person, including but not limited to farmers markets, public events, and roadside stands, by telephone, internet, or mail delivery. 'Cottage food product' in section 330, is a non-time/temperature control for safety food including but not limited to baked goods, jams or

jellies, and other non-time/temperature control for food safety food produced at a cottage food operation.

SECTION 3. Said chapter 94 of the General Laws, is hereby further amended by inserting after section 329 the following section:- Section 330. (a) Other than requirements set forth in this section, a cottage food operation is exempt from permitting, licensing, inspection, packaging, and labelling requirements for food establishments set by State law, the Department of Public Health, and local boards of health.

(b) This section does not exempt a cottage food business from any applicable State or federal tax laws.

(c) Nothing in this chapter shall be construed to impede the Department of Public Health or local health boards in any investigation of a reported foodborne illness.

(d) Nothing in this chapter shall preclude the Department of Public Health or local health boards from providing assistance, consultation, or an inspection at the request of the producer of a cottage food product.

(e) Cottage food operations must provide the following information to the consumer:

(1) the cottage food operation’s name;

(2) the cottage food operation’s address or personal identification number;

(3) the common or usual name of the cottage food product;

(4) the ingredients of the cottage food product in descending order of predominance; and

(5) the following statement: “This product was produced at a private residence that is exempt from Massachusetts licensing and inspection requirements. This product may contain allergens.”

(f) The information required in subsection (e) must be provided:

(1) on a label affixed to the package if the cottage food product is packaged;

(2) on a label affixed to the container, if the cottage food product is offered for sale from a bulk container;

(3) on a placard displayed at the point of sale, if the cottage food product is neither packaged nor offered for sale from a bulk container; or

(4) on the webpage on which the cottage food product is offered for sale if the cottage food product is offered for sale on the internet.

(5) If the cottage food product is sold by telephone or custom order, the seller need not display the information required by section, but the seller must disclose to the consumer that the cottage food product is produced at residential kitchen that is exempt from state licensing and inspection requirements; and may contain allergens.

(g) The Department of Public Health shall establish and maintain a voluntary cottage food operation registry. The voluntary cottage food operation registry shall only allow the Department of Public Health to issue personal identification numbers for cottage food product labels as an alternative to the cottage food operation’s address. The Department of Public Health shall issue a personal identification number to cottage food operators who have submitted applications for the registry that are approved by the Department of Public Health and have paid

the registration fee. The Department of Public Health may charge a fee, not to exceed $25, to each cottage food operation registrant.

(h) The Department of Public Health shall make available an application for the cottage food operation registry that provides for the following:

(1) the cottage food operator’s full name,

(2) the cottage food operation’s address,

(3) the cottage food operation’s primary telephone number, and

(4) the cottage food operation’s primary email address.

(i) The cottage food operation shall update the Department of Public Health when there is a change to any of the registration details including their name, residential kitchen address, telephone number, and email address.

(j) The Department of Public Health shall not require cottage food operators to register for a personal identification number.