



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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2012 Enacted Food Safety Laws

October 2012

Ashley A. Noble

- **283 food safety bills proposed in 43 states, Washington, DC, and Puerto Rico:** Alabama (4), Alaska (3), Arizona (2), California (10), Colorado (3), Connecticut (2), Delaware (1), Florida (2), Georgia (6), Hawaii (24), Idaho (1), Illinois (14), Indiana (3), Iowa (17), Kansas (3), Kentucky (2), Louisiana (1), Maine (3), Maryland (5), Massachusetts (13), Michigan (2), Minnesota (12), Mississippi (1), Missouri (5), Nebraska (3), New Hampshire (4), New Jersey (6), New Mexico (1), New York (45), North Carolina (3), Ohio (1), Oklahoma (16), Oregon (3), Pennsylvania (3), Rhode Island (6), South Carolina (8), Tennessee (12), Utah (2), Vermont (3), Virginia (4), Washington (8), West Virginia (2), Wisconsin (5), Washington, DC (1), and Puerto Rico (8).
- **49 laws passed in 26 states and Puerto Rico:** California (6), Colorado (2), Connecticut (2), Delaware (1), Florida (1), Georgia (1), Hawaii (1), Illinois (2), Indiana (2), Iowa (1), Kansas (2), Maryland (4), Michigan (1), Minnesota (1), Nebraska (1), New Hampshire (3), North Carolina (1), Oregon (2), Pennsylvania (1), Rhode Island (2), South Carolina (3), Tennessee (2), Utah (1), Vermont (1), Washington (1), Wisconsin (2), and Puerto Rico (2).
- **85 bills pending in 8 states, Washington, DC, and Puerto Rico:** Illinois (12), Massachusetts (13), Michigan (1), New Jersey (5), New York (40), Ohio (1), Pennsylvania (2), Rhode Island (4), Washington, DC (1), and Puerto Rico (6).
- **149 bills failed in 24 states:** Alabama (4), Alaska (3), Arizona (2), California (4), Colorado (1), Florida (1), Georgia (5), Hawaii (23), Idaho (1), Indiana (1), Iowa (16), Kansas (1), Kentucky (2), Louisiana (1), Maine (3), Maryland (1), Minnesota (11), Mississippi (1), Missouri (5), Nebraska (2), New Hampshire (1), New Jersey (1), New Mexico (1), New York (5), North Carolina (2), Oklahoma (16), Oregon (1), South Carolina (5), Tennessee (10), Utah (1), Vermont (2), Virginia (4), Washington (7), West Virginia (2), and Wisconsin (3).

California

CA S 303

2012

Food Safety: Food Handlers

Status: Enacted - Chaptered by Secretary of State. Chapter No. 233

Date of Last Action: 09/06/2011 - Enacted*

Author: Padilla (D)

Topics: Food Safety

Summary: Requires food facilities, except temporary food facilities, to have an owner or employee who has successfully passed an approved and accredited food safety

certification examination from an accredited food protection manager certification organization. Defines food facility, with certain exceptions. Requires a food handler to obtain a food handler card from either a food protection manager certification organization or specified training provider until a specified date, then only from a training provider.

Analysis:

This legislation updates the requirements for food handler safety certification. After January 1, 2012, food handlers must receive their “food handler card” from a training program which meets the standards of the American Training Standards Institute (ANSI) “that meets ASTM International E2659-09 Standard Practice for Certificate Programs.” The food handler must receive their card within 30 days of hire. A food handler is someone “who is involved in the preparation, storage, or service of food in a food facility.”

CA S 513 Renderers and Farmers' Markets: Regulatory Fees

2012 **Status:** Enacted - Chaptered by Secretary of State. Chapter No. 337

Date of Last Action: 09/26/2011 - Enacted*

Author: Cannella (R)

Topics: Agricultural Products | Food Safety

Summary: Establishes the Rendering Industry Advisory Board to make recommendations regarding licensing matters, regulations, procedures for employment, training, supervision, and compensation for inspectors, and license fees and penalties related thereto. Reenacts provisions regarding the licensure of rendering collection centers and transporters of inedible kitchen grease. Extends the provisions regarding a farmers' market operator fee and the provisions regarding civil penalties for market owner violations.

Analysis:

This law establishes the Rendering Industry Advisory Board. The Board is composed of seven licensed members who advise the Secretary of Food and Agriculture on a variety of issues. The law also sets fee amounts for renderers, collection centers, and farmers' markets. The provisions of the law related to rederer and collection center fees “become[s] inoperative” as of July 1, 2015, and will be repealed per its terms on January 1, 2016. The provisions of the law pertaining to farmers' markets remains in effect until January 1, 2014. The law as a whole remains in effect until January 1, 2014.

CA A 688 Food and Drugs: Sale

2012 **Status:** Enacted - Chaptered by Secretary of State. Chapter No. 681

Date of Last Action: 10/09/2011 - Enacted*

Author: Pan (D)

Topics: Food Safety

Summary: Prohibits a retailer from selling or offering for sale after the expiration date an over-the-counter drug. Prohibits a retail food facility from selling or offering for sale, after the use by date, infant formula or baby food that is required to have this date on its packaging pursuant to federal law. Makes a violation an infraction. Authorizes the assessment of related administrative penalties, in addition to other penalties authorized by law.

Analysis:

This law adds a section to the Health and Safety Code. It forbids the sale of over the counter drugs, infant formula, and baby food when the expiration date on such products has passed. Retailers who violate this law are subject to “a fine of not more than \$10 per day” per “item sold or offered for sale.” Fines are calculated based on the number of days that have passed since the product in question has expired if the product is offered for sale, or based on the sales receipt for such item, if it has already been sold.

CA A 1014
2012

Food Facilities: Definition

Status: Enacted - Chaptered by Secretary of State. Chapter No. 159

Date of Last Action: 08/01/2011 - Enacted*

Author: Fletcher (I)

Topics: Food Safety

Summary: Amends the State Retail Food Code that provides for the regulation of health and sanitation standards for retail food facilities. Exempts from its provisions, premises set aside for beer tasting by a beer manufacturer to include any holder of a beer manufacturer's license, any holder of an out-of-state beer manufacturer's certificate, or any holder of a beer and wine importer's general license.

Analysis:

Amends the Health and Safety Code by defining “food facility[ies].” Facilities that offer beer or wine tasting and sell only beer, wine, and non-hazardous, pre-packaged beverages, are not defined as food facilities. Beer tasting facilities may only serve crackers and pretzels. Beer and other beverages must be consumed on-site.

CA A 1616
2012

Food Safety: Cottage Food Operations

Status: Enacted - Chaptered by Secretary of State. Chapter No. 415

Date of Last Action: 09/21/2012 - Enacted*

Author: Gatto (D)

Additional Authors: DeSaulnier (D);Huffman (D);Nestande (R);Perez V (D);Wieckowski (D)

Topics: Food Safety

Summary: Includes a cottage food operation that is registered or has a permit within the private home exemption of the Retail Food Code. Excludes such operation from specified food processing establishment and Sherman Law requirements. Requires such operation to meet specified requirements relating to training, sanitation, preparation, labeling, and permissive types of sales. Establishes various zoning and permit requirements relating to cottage food operations.

Analysis:

Recognizes the growing obesity problem in California. Forbids local governments from prohibiting cottage-food operations, and presents several regulatory options to facilitate the allowance of such operations. Creates the “Food Safety Fund.” Exempts cottage food operations from certain registration requirements. Defines terms related to cottage food operations. Exempts cottage food operations from the definition of a “food facility.” Forbids cottage food operations from selling their wares at food facilities without first registering with the Department of Public Health. Requires food products made in a cottage food operation to be labeled accordingly prior to sale. Lists requirements with which cottage food operations must comply, and describes permitting, registration, and “self-certification”



requirements for cottage food operations to be “open for business.” Requires the Department of Public Health to list the types of foods which may be made and sold by a cottage food operation on its website. Allows the department to collect fees. Provides for enforcement.

CA A 2297
2012
Retail Food Code: Nursing Facilities: Intermediate Care
Status: Enacted - Chaptered by Secretary of State. Chapter No. 725
Date of Last Action: 09/28/2012 - Enacted*
Author: Hayashi (D)
Topics: Food Safety
Summary: Amends that State Retail Food Code. Excludes a certain intermediate care facility for the developmentally disabled from the definition of a retail food facility. Requires the facility to notify specified health entities of a foodborne illness or outbreak. Requires the Office of Statewide Health Planning and Development to maintain its primary jurisdiction over licensed skilled nursing facilities. Requires the completion of a certain process when new construction, modernization or remodeling must be done.

Analysis:

Includes residential care facilities under the definition of a “food facility.” Requires food facilities to report an occurrence of food-borne illnesses to the Department of Public Health, as well as to the “local health department” within 24 hours. Lists requirements for construction or renovation of a food facility.

Colorado

CO S 48
2012
Locally Foods Local Jobs
Status: Enacted - Session Law Chaptered. Chapter No. 16
Date of Last Action: 03/15/2012 - Enacted*
Author: Schwartz (D)
Topics: Food Safety
Summary: Concerns the creation of the Colorado Cottage Foods Act for locally produced home foods sold directly to consumers, exempts nonprofit organization from liability for injuries caused by donated foods purchased pursuant to the Act, provides for the use of school or nonprofit organization kitchens pursuant to the Act, authorizes persons to use a home kitchen or certain other kitchens to produce food for sale if that food meets certain criteria, makes changes concerning the transportation of eggs.

Analysis:

This law declares the legislature’s support for “locally grown and prepared” foods sold directly to consumers as a means to stimulate local economies. The law also amends existing statutes by exempting school and nonprofit organization kitchens from civil and criminal liability, and exempts kitchens which prepare food which is sold directly to the consumer from the definition of a “retail food establishment.”

The law also adds §25-4-1614, which is known as the Colorado Cottage Foods Act. Cottage food producers who earn less than \$5,000 per year from cottage food sales may sell their products directly to consumers so long as they limit their products to “non-potentially hazardous” foods and the producer has been certified in food safety from a third-party certification program “comparable to...the [USDA] or the Colorado State University cooperative extension service.” Cottage foods must be sold directly to consumers at the site of production, farmers’ markets, CSA organizations, roadside stands, or other

similar locations. Cottage foods may not be sold to grocery stores or restaurants. Cottage foods must also be properly labeled and may not be resold after purchase by the consumer. The Act encourages cottage food producers to carry insurance and authorizes the development of electronic registries of cottage food producers.

The law also adds sections allowing the legislature to encourage farmers' markets within the state and promulgates rules for direct-to-consumer sales of eggs. Egg sellers who sell less than 250 eggs per month are exempt from the law, aside from licensing requirements.

CO H 1097 **Retail Food Establishments Civil Penalties**
2012 **Status:** Enacted - Session Law Chaptered. Chapter No. 78
Date of Last Action: 04/06/2012 - Enacted*
Author: Summers (R)
Topics: Food Safety
Summary: Concerns civil penalties for retail food establishments, specifies that proceedings to suspend or revoke the license of a retail food establishment may be commenced only after the imposition of other civil penalties.

Analysis:

The law defines "imminent health hazard" as it relates to "retail food establishment[s]." The law also amends CRS §§25-4-1609 and 1611 by specifying that unless an imminent health hazard is present, the process to suspend or revoke a retail food establishment's license may not commence until the establishment has had civil penalties assessed against it three times in a 12-month period. Licenses may not be suspended for more than six months.

Connecticut

CT S 57 Licensure of Food Manufacturing Establishments
2012 **Status:** Enacted - Public Act No. 12-95
Date of Last Action: 06/08/2012 - Enacted*
Author: Joint General Law
Topics: Food Safety
Associated Bills: CT H 5021 - Similar;CT H 5023 - Similar;CT H 5025 - Similar;CT H 5054 - Similar;CT H 5056 - Similar;CT H 5057 - Similar;CT H 5058 - Similar;CT H 5087 - Similar;CT H 5089 - Similar;CT H 5117 - Similar;CT H 5141 - Similar;CT H 5143 - Similar;CT H 5306 - Similar;CT H 5327 - Similar;CT H 5329 - Similar;CT S 15 - Similar;CT S 59 - Similar;CT S 60 - Similar;CT S 71 - Similar;CT S 183 - Similar;CT S 207 - Similar;CT S 268 - Similar;CT S 269 - Similar;CT S 270 - Similar;CT S 271 - Similar;CT H 5126 - Si
Summary: Requires the licensure and oversight of food manufacturing establishments.

Analysis:

Requires bakeries and food manufacturing establishments to be constructed in accordance with applicable regulations and to hold a license for operation. Bakeries must list the number of employees who make foodstuffs. Provides for enforcement. Forbids employees who are sick with an infectious illness from working in a bakery or food manufacturing establishment. Requires such establishments to operated in a clean, hygienic condition and to forbid smoking while working.

CT H 5143 **Insurance Coverage**



2012 **Status:** Enacted - Public Act No. 12-123
Date of Last Action: 06/15/2012 - Enacted*
Author: Joint Insurance and Real Estate
Topics: Food Safety
Associated Bills: CT H 5230 - Similar;CT S 90 - Similar;CT H 5021 - Similar;CT H 5023 - Similar;CT H 5025 - Similar;CT H 5054 - Similar;CT H 5056 - Similar;CT H 5057 - Similar;CT H 5058 - Similar;CT H 5087 - Similar;CT H 5089 - Similar;CT H 5117 - Similar;CT H 5141 - Similar;CT H 5306 - Similar;CT H 5327 - Similar;CT H 5329 - Similar;CT S 15 - Similar;CT S 57 - Similar;CT S 59 - Similar;CT S 60 - Similar;CT S 71 - Similar;CT S 183 - Similar;CT S 207 - Similar;CT S 268 - Similar;CT S 269 - Similar;CT S 270 - Simil
Summary: Concerns insurance coverage for perishable food donated by certain food establishments, requires insurers that provide coverage to a food establishment for spoilage of perishable food to cover to the same extent perishable food that such establishment donates to an emergency shelter, and to extend immunity to such establishments for such donation.

Analysis:

Requires insurers who insure food against spoilage to extend coverage to include food donated to temporary emergency shelters. Food donated to shelters must be “fit for human consumption.” Frees donors from liability related to the consumption of donated food unless the donor was aware that the food was “not fit for human consumption” at the time it was donated.

Delaware

DE SR 11 **Federal Food Safety Modernization Act**
2012 **Status:** Adopted - Adopted
Date of Last Action: 03/29/2011 - Enacted*
Author: Sokola (D)
Topics: Food Safety
Summary: Supports the federal food safety modernization act.

Analysis:

This resolution expresses the Delaware Senate’s support of the Federal Food Safety Modernization Act. Additionally, “Local Education Agencies (LEAs) in Delaware” are encouraged to develop “food allergy management policies” per the guidelines of FFSMA. The food allergy provisions of FFSMA pertain to “early childhood education programs” and public schools.

Florida

FL H 7021 **Department of Agriculture and Consumer Services**
2012 **Status:** Enacted - Filed as Chapter No. 2012-190
Date of Last Action: 04/27/2012 - Enacted*
Author: Agriculture & Natural Resources Subcmte
Topics: Agricultural Products| Food Safety| Livestock & Poultry
Summary: Relates to Department of Agriculture and Consumer Services to include conservation easement funding, mosquito control district use of substances, food safety, milkfat tester licensure, fertilizers containing nitrogen or phosphorous, commercial feed of feedstuff, soil and water districts, the inspection and vaccination of cattle for brucellosis, agricultural and silvicultural burning, aquaculture registration fees for schools, and the State Fair Authority.

Analysis:

This law adds the Division of Food, Nutrition, and Wellness to the Department of Agriculture and Consumer Services, and authorizes the Department to administer matters related to conservation easements. The law relieves the Department of Environmental Protection from the requirements to coordinate or cooperate with the Aquaculture Interagency Coordinating Council and allows the DEP working group to receive compensation. The law allows the Board of Commissioners to use registered pesticides to control the mosquito population.

The law eliminates the language regarding licenses for milk testers and repeals other minor language.

The law also creates the Agricultural Feed, Seed, and Fertilizer Advisory Council, requires sellers of commercial feed to be registered, and provides for penalties, including penalties to be paid to consumers who purchased feed that was sold in violation of the law.

The law allows the Commissioner of Agriculture to discontinue soil and water conservation districts under some circumstances, clarifies statutory language pertaining to districts, and amends the composition and duties of the Soil and Water Conservation Council.

The law requires people participating in aquaculture to be registered by the Department of Agriculture and Consumer Services and makes minor amendments to the statute regarding the Aquaculture Review Council.

Minor language amendments are made throughout the amended statutes.

Georgia

GA S 300
2012

Food Standards

Status: Enacted - Act No. 731

Date of Last Action: 05/02/2012 - Enacted*

Author: Bulloch (R)

Topics: Food Safety

Summary: Relates to definitions relative to adulteration and misbranding of food, excludes establishments selling sugar cane and sorghum syrup from the definition of food sales establishment, requires proper labeling of bottles containing sugar cane or sorghum syrup.

Analysis:

The law exempts producers who boil, bottle, and sell cane or sorghum syrup within the state from regulation as a “food sales establishment”, so long as the finished product is properly labeled.

Hawaii

HI S 101
2012

Food Safety

Status: Enacted - Act No. 107

Date of Last Action: 06/14/2011 - Enacted*

Author: Shimabukuro (D)

Topics: Food Safety

Summary: Provides that a producer of hand-pounded poi shall not be required to process poi in a certified food-processing establishment or be required to obtain a

permit from the Department of Health, if the producer sells hand-pounded poi directly to consumers, prepares hand-pounded poi adjacent to permanent or temporary hand-washing facilities and complies with rules adopted by the department to protect the health and safety of the public.

Analysis:

Allows producers of “hand-pounded poi” to sell their product directly to consumers without a permit, so long as the poi is made next to hand washing facilities and in compliance with relevant rules. Producers who are in compliance with the law are not required to produce poi in “a certified food-processing establishment.”

Illinois

IL S 840
2012

Food Handling Regulation Enforcement Act

Status: Enacted - Public Act No. 393

Date of Last Action: 08/16/2011 - Enacted*

Author: Koehler (D)

Topics: Food Safety

Summary: Amends the Food Handling Regulation Enforcement Act, provides that cottage food operations may not be regulated providing certain conditions are met, provides that if a qualified entity receives a consumer complaint, believes a health hazard exists, or that a product has been misbranded, adulterated, or not in compliance, then it may invoke cessation of sales, provides for regulation of service of food by a cottage food operation under certain conditions, includes baked goods and farmers' markets.

Analysis:

Defines cottage food operations, farmers markets, and potentially hazardous foods. The law exempts cottage food producers from regulation under the Department of Agriculture and specifies which foods may be produced by cottage food producers. Cottage foods must be sold at farmers markets and must be properly labeled. A placard must be displayed at the point of sale identifying the products for sale as cottage foods that have not been inspected by the state. Cottage food producers may not earn more than \$25,000 per year in sales.

Cottage food sellers must be registered with the local health department, defined by a seller's residence, and must have a Food Service Sanitation Management Certificate from the state Department of Public Health. The state or local government may require a cottage food producer to cease operation if the government entity becomes aware of a health hazard or noncompliance with applicable rules. The law also authorizes local health departments to regulate and inspect cottage food producers.

IL S 1852
2012

Food Handling Regulation Enforcement

Status: Enacted - Public Act No. 394

Date of Last Action: 08/16/2011 - Enacted*

Author: Luechtefeld (R)

Topics: Food Safety

Summary: Provides for the formation of the Farmers' Market Task Force to assist in enacting statewide administrative regulations for farmers' markets, provides for appointment of members of the Task Force and their corresponding duties, sets forth provisions concerning the statewide farmers' market food safety and licensing



guidelines, makes corresponding changes in the Sanitary Food Preparation Act, provides for the adoption of rules concerning labels, sanitation, and food product safety.

Analysis:

This law recognizes the value of farmers' markets to farmers and local economies, as well as their ever-growing popularity. Farmers' markets are formally defined within the law; farmers' markets are regulated under the Department of Health, which is tasked with creating a Farmers' Market Task Force. The purpose of the Task Force is to assist the Departments of Health and Agriculture in interpreting, adopting, and implementing regulations pertaining to farmers' markets. The actions of state agencies do not limit the abilities of local governments to regulate farmers' markets within their respective jurisdictions. This law amends section 3.3 of the Food Handling Regulation Enforcement Act.

The law further provides for enforcement of food safety regulations and inspection of places where food is sold, served, stored, distributed, or transported by amending the Sanitary Food Preparation Act, 410 ILCS 650/11.

Indiana

IN H 1298
2012

Transportation of Food Products

Status: Enacted - Public Law No. 108

Date of Last Action: 03/16/2012 - Enacted*

Author: Davis (R)

Topics: Food Safety

Summary: Relates to transportation of food products, provides that a person who operates a motor vehicle for the transportation of food without complying with food transportation health rules commits an infraction, authorizes a law enforcement officer to inspect and impound a motor vehicle that does not comply with health rules, provides that a health inspector may order the disposal of certain food and the impoundment of non complying motor vehicles, relates to a local health department.

Analysis:

This law amends the Indiana Code to allow police officers to inspect vehicles transporting food to ensure that the transporter is compliant with relevant food safety regulations. Should an officer find a vehicle that is suspected of non-compliance, the officer may summon a health inspector. The health inspector may then determine what, if any, enforcement actions are necessary. Noncompliance on the part of a food transporter is a misdemeanor offense. This is an emergency action by the state legislature.

IN H 1312
2012

Sale of Poultry At Farmers Markets

Status: Enacted - Public Law No. 86

Date of Last Action: 03/15/2012 - Enacted*

Author: Ellspermann (R)

Topics: Agricultural Products| Food Safety

Summary: Relates to sale of poultry at farmer's markets, provides that an individual vendor of a farmer's market or roadside stand is not considered to be a food establishment if their food product is made, grown, or raised by an individual at the individual's primary residence or property owned or leased by the individual, exempts a farmer's market or roadside stand vendor from meat inspection requirements, require that poultry processed under this section be frozen at the point of sale and labeled.



Analysis:

This law exempts cottage food sellers and producers who sell their wares at farmers' markets or roadside food stands from regulation as food establishments if a number of conditions are met. However, such producers are subject to inspection by state authorities. The law also requires the health department to promulgate rules allowing for the sale of poultry at farmers' markets, roadside food stands, or on farms. Poultry must "be frozen at the point of sale." The law also tasks the legislative council with the development of an interim study committee to determine what actions should be taken to encourage market activities for local foods, and to prepare a report on its findings by November, 2012. This law was passed as an emergency measure.

Iowa

IA H 2092
2012

Farmers Market**Status:** Enacted - Signed by Governor**Date of Last Action:** 04/05/2012 - Enacted***Author:** Kaufmann (R)**Topics:** Agricultural Products| Food Safety

Summary: Provides for the year-round operation of farmers markets for Iowa-produced farm products, requires an annual license fee, provides that farmers market means a marketplace which seasonally operates principally as a common market for Iowa-produced farm products on a retail basis for off-the-premises consumption, provides that for a farmers market where potentially hazardous food is sold or distributed, one annual license fee of one hundred dollars for each vendor.

Analysis:

This law defines farmers markets as places where farm products produced in Iowa are sold. The law also requires farmer's market vendors who sell potentially hazardous farm products to pay \$100 for a permit. The permit must be renewed annually.

Kansas

KS H 2282
2012

Lodge Inspections and Food Safety Fees**Status:** Enacted - Chapter No. 2011-73**Date of Last Action:** 05/12/2011 - Enacted***Author:** Agriculture and Natural Resources Cmt.**Topics:** Food Safety

Summary: Relates to lodge inspections and food safety fees, creates the lodging fee fund, relates to the food service and lodging act, relates to the fee for a license to conduct a lodging establishment in this state, creates the food safety fee fund.

Analysis:

The law establishes a lodging fee fund, establishes fees for lodging facility licenses, and establishes inspection and enforcement policies. The law also establishes a food safety fee fund, which is administered under the state Department of Agriculture.

KS H 2730
2012

Food Safety and Lodging Establishments**Status:** Enacted - Chapter No. 2012-145**Date of Last Action:** 03/19/2012***Author:** Agriculture and Natural Resources Cmt.**Topics:** Food Safety

Summary: Relates to amending the provisions of acts pertaining to food safety and lodging establishments, relates to the licensure of lodging establishments and fees related to the licensure and inspection thereof, provides that a guest house shall not be required to have a lodging license, prohibits selling diseased or improperly stored animals for human consumption, provides for inspection fees for food establishments and processing plants.

Analysis:

Requires a license to operate a “lodging establishment,” with certain exceptions. Empowers the secretary of agriculture to set standards for lodging establishments. Provides for inspections and enforcement. Requires hotels to provide accommodations to aurally impaired guests, including providing visual smoke detectors.

Also enacts the Kansas food, drug and cosmetic act. Within the act, “processing, storage, or distribution” of “adulterated or misbranded” food or cosmetic products is forbidden. Generally regulates acts regarding food, drugs, and cosmetics which might endanger the public health or mislead the consumer. Provides for inspections and enforcement. Requires a license to operate a “food establishment,” with certain exceptions.

Enacts regulations pertaining to the slaughter, processing, and sale of animals for meat. Requires facilities that process meat to be registered.

Maryland

MD H 99
2012

Department of Health and Mental Hygiene

Status: Enacted - Chapter No. 648

Date of Last Action: 05/22/2012 - Enacted*

Author: Kipke (R)

Topics: Food Safety

Summary: Requires the operator of a certain semipermanent food service facility to meet certain requirements regarding wastewater disposal and access to a potable water supply.

Analysis:

Promulgates rules for “Semipermanent Food Services Facilities” in Anne Arundel County. Defines “semipermanent food service facility” and requires such facilities to dispose of wastewater properly and use “a food grade hose” to supply potable water to the facility.

MD H 399
2012

Cottage Food Business

Status: Enacted - Chapter No. 256

Date of Last Action: 05/02/2012 - Enacted*

Author: Pena-Melnyk (D)

Topics: Food Safety

Associated Bills: MD S 550 - Crossfiled

Summary: Provides that a cottage food business is not required, under specified circumstances, to be licensed by the Department of Health and Mental Hygiene, provides that the owner of a cottage food business may sell only cottage food products that are stored on specified premises and prepackaged with a specified label, requires

the owner of a cottage food business to comply with specified county and municipal laws and ordinances, relates to investigations of such businesses.

Analysis:

Defines “cottage food business” and “cottage food product.” Cottage food businesses may earn no more than \$25,000 per year in sales. Cottage foods must be “nonhazardous” and must be sold at farmers markets or other public events. Compliance with the terms of the law exempt cottage food businesses from licensing requirements. Cottage foods must be properly labeled and must comply with local laws. The Department of Mental Health and Hygiene may inspect cottage food businesses in the event of a complaint; the business may not refuse the inspection. Provides for penalties for violations.

MD S 550
2012

Cottage Food Business

Status: Enacted - Chapter No. 255

Date of Last Action: 05/02/2012 - Enacted*

Author: Montgomery (D)

Topics: Food Safety

Associated Bills: MD H 399 - Crossfiled

Summary: Provides that a cottage food business is not required to be licensed by the Department of Health and Mental Hygiene, provides that a cottage food business may only sell products that are stored on the premises and prepackaged with a label containing specified information, provides that the Department may investigate complaints, that the owner may not refuse to grant access, and that the investigation may include a sampling of a cottage food product to determine if the product is misbranded or adulterated.

Analysis:

Substantially the same as MD H 399.

MD H 841
2012

Food Service Facilities - Open Windows and Doors

Status: Enacted - Chapter No. 399

Date of Last Action: 05/02/2012 - Enacted*

Author: Frick (D)

Topics: Food Safety

Associated Bills: MD S 634 - Crossfiled

Summary: Authorizes a food service facility to operate with the outer doors and outer windows of the facility open unless the local health department finds evidence of vermin or flying insects while the facility is open in this manner, requires the facility to take actions, authorizes the local health department to take actions.

Analysis:

Allows “a food service facility” to keep its outer doors and windows open during hours of operation, so long as “vermin” and “flying insects.” Violation of the terms of the law may result in the closure of the facility until the pests are removed. The facility may also be asked to keep its doors and windows closed until the local health department allows them to be opened.

Michigan

MI H 5130

Food Services Regulation



2012 **Status:** Enacted - Public Act No. 178
Date of Last Action: 06/19/2012 - Enacted*
Author: Denby (R)
Topics: Agricultural Products | Food Safety
Summary: Modifies food services laws and regulations to include agricultural products and pesticides, food additives, slaughterhouses, confections, cottage food operations and products, farmer's markets, shellfish processing and sanitation, state bridge cards, food labeling, perishable foods, vending machine , food service training, foodborne illness, mobile and transitory food units, grain dealers, fruits and vegetables processing, prepackaged food, raw animal foods, and eggs size and handling requirements.

Analysis:

Defines terms. Authorizes the Department of Agriculture and Rural Development to make rules for local health departments regarding food service. Establishes fees. Requires "food establishments" to have at least one "managerial employee" who is certified in an American National Standards Institute (ANSI) food safety program. Incorporates the April 1, 2008 ANSI certification program by reference. Authorizes local health departments to enforce rules and standards. Exempts "cottage food operations" from compliance. Enumerates licensing requirements and makes exceptions for licensing. Requires "shellfish dealers" to be certified by the Department. Requires food sold to be properly labeled and unadulterated. Forbids the dissemination of false information regarding food or food establishments. Establishes fines. Requires food to be properly cooked prior to sale. Requires "mobile food establishment" vehicles to be properly identified on the body of the vehicle. Creates refrigeration requirements for hazardous food storage. Adopts US standards for shell eggs. Requires bottled water manufacturers to be registered.

Minnesota

MN S 477 **Nonprofit Home-Prepared Food Donation**
2012 **Status:** Enacted - Filed with Secretary of State. Chapter No. 92
Date of Last Action: 05/27/2011 - Enacted*
Author: Howe (R)
Topics: Food Safety
Summary: Modifies an exemption to the food, beverage, and lodging establishments statutes regarding inspections of prepared food, provides that a school kitchen or school cafeteria is not a school concession stand, exempts weddings and funerals conducted by a faith-based organization, relates to sportsman events held at an organization at which home-prepared food is donated by organization members for sale at the events, provides for fundraisers and food service events following a disaster.

Analysis:

This law creates a number of exemptions a number of facilities from food safety regulation by the state. The exempted facilities include, but are not limited to school concession stands, social gatherings at faith-based education or worship facilities, university and college buildings, potluck gatherings, home schools, social clubs, and a variety of other facilities and events.

NebraskaNE L 771
2012**Food Establishment and Food Safety****Status:** Enacted - Signed by Governor**Date of Last Action:** 03/07/2012 - Enacted***Author:** Carlson (NP)**Topics:** Food Safety**Summary:** Changes the Nebraska Pure Food Act, changes and eliminates food establishment and food safety provisions, relates to permits and permit fees for a food establishment, a food processing plant or a food salvage operation, provides that mobile food units shall have a copy of their permit to operate available at the mobile food unit or pushcart when in operation, provides that potentially hazardous food shall be kept at a certain temperature and in a certain manner.*Analysis:*

This bill requires food establishments, food processing plants, and salvage operations to carry a permit to operate. The bill also sets forth the procedures for applying for a permit, and requirements for inspections and fees. Several types of facilities are exempt from these requirements. The law goes on to define temperature requirements for potentially hazardous foods.

New HampshireNH H 234
2012**Food Service Licensure****Status:** Enacted - Chapter No. 2012-114**Date of Last Action:** 06/05/2012 - Enacted***Author:** DiPentima (D)**Topics:** Food Safety**Summary:** Relates to food processing certificates and licenses, clarifies the food protection law and establishes the food protection fund, moneys are to be used for the administration of the food protection law.*Analysis:*

Defines terms. Allows provisional food establishment and store licenses to be issued “for up to 90 days.” Requires inspectors to make an inspection of facilities that have been issued provisional licenses “within 45 days” of the license issue. Enumerates standards for revocation and reissue of licenses.

NH H 339
2012**Meat Inspection Services Administrator****Status:** Enacted - Chapter No. 130**Date of Last Action:** 06/06/2011 - Enacted***Author:** Harding (D)**Topics:** Food Safety | Livestock & Poultry | Veterinary Care**Summary:** Allows the State Veterinarian to employ a Meat Inspection Services Administrator, makes an appropriation.*Analysis:*

This law defines terms related to the meat production industry and establishes a Meat Inspection Program, which is supervised by the State Veterinarian. The law tasks the Commissioner of Agriculture, Markets, and Food to create rules for inspection of meat products. Meat products must be properly labeled, inspected, and sorted to protect the public health. Inspectors must be properly certified. Animals which are raised and slaughtered for personal use are exempt from this regulation, as are



poultry which are intended “for intrastate commerce,” and poultry sold directly to the consumer. Poultry producers who sell less than 250 turkeys, or their equivalent, per year are also exempt, if such sales remain within the state. Note that non-turkey bird species are accounted for at a rate of four birds equivalent to one turkey. Poultry may not be sold if it died in a manner other than slaughter. Meat producers must keep proper records and be registered with the Commissioner. The law also provides for enforcement and enumerates the powers of the Commissioner. Violation of the terms of the law is a felony.

NH H 1402 **Sale of Homemade Food**
2012 **Status:** Enacted - Chapter No. 2012-163
Date of Last Action: 06/07/2012 - Enacted*
Author: Comtois (R)
Topics: Food Safety
Summary: Exempts certain homestead food operations and homestead food products from licensure by the Department of Health and Human Services, allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

Analysis:

Defines terms. Sets the earning limit for “homestead food operations” at \$10,000 per year to avoid licensing requirements. Requires homemade foods offered for sale to be properly labeled. Allows raw milk producers who produce less than 20 gallons of raw milk or raw milk products per day to sell raw milk and raw milk products directly to consumers within the borders of the state, so long as such products are properly labeled. Raw milk cheese must be aged at least 60 days.

North Carolina

NC H 622 **Food Service Inspections in Nursing Homes**
2012 **Status:** Enacted - Session Law Number 2011-226
Date of Last Action: 06/23/2011 - Enacted*
Author: McCormick (R)
Topics: Food Safety
Summary: Relates to the frequency of food service inspections in nursing homes and nursing home beds licensed under chapter 131e of the general statutes that are also certified by Medicare and Medicaid, provides that the frequency of food service inspection in nursing homes or nursing home beds that are also certified by the Center for Medicare and Medicaid services shall be reduced to a minimum of 1 inspection per year if the facility receives an A sanitation score.

Analysis:

Reduces the minimum number of mandatory food service inspections in nursing homes to two per year, unless a facility receives a grade of “B” or lower during an inspection. If a facility receives a grade of B or lower, then inspections may be conducted until the facility receives an “A.” After October 1, 2012, facilities which receive an “A” may receive only one inspection per year.

Oregon

OR H 4003 **State Department of Agriculture**
2012 **Status:** Enacted - Chaptered. Chapter No. 64
Date of Last Action: 03/27/2012 - Enacted*

Author: Agriculture and Natural Resources Cmt.

Topics: Food Safety

Summary: Allows State Department of Agriculture to adopt rules to establish license fees for certain food-related establishments and occupations that includes the offering to sell or exposing for sale meat products, a food establishment that is part of a domestic kitchen, retail food store, or warehouse, animal food slaughtering establishments, producing or distributing fluid milk, bakery or bakery distributors, refrigerated lock plant licenses, egg handler's licenses, and nonalcoholic beverage manufacturers.

Analysis:

Requires meat processors, meat sellers, and slaughterhouses to obtain licenses to conduct their activities. The Department of Agriculture is responsible for and establishing fees for licenses. Food establishments must also obtain licenses to operate. The Department of Agriculture is responsible for the implementation and establishment of rules related to food establishment licenses. Licensees may not sell meat that is unfit for human consumption, or sell degraded meat for animal consumption. Licensees must keep proper sales records.

The law also requires milk producers and distributors to obtain licenses and authorizes the Department of Agriculture to inspect milk production and distribution facilities. Licenses must be renewed annually. The Department is responsible for establishing license fees.

Bakeries, handlers, refrigerated locker plant operators, and non-alcoholic beverage manufacturers must also obtain licenses from the Department. The law authorizes the Department to issue licenses to other food establishments and food production facilities. Inspectors must also obtain licenses.

OR H 4068
2012

Food Bank Assumption

Status: Enacted - Chaptered. Chapter No. 5

Date of Last Action: 02/27/2012 - Enacted*

Author: Boone (D)

Topics: Food Safety

Summary: Provides that food bank assumption or sharing of cost to process reclaimed fish for food bank use or distribution is not sale, purchase or other commerce making fish subject to labeling, packaging or similar requirements for commercially sold foods, allows State Department of Agriculture to conditionally waive labeling requirements for reclaimed fish that food bank uses or distributes, provides that the retention of such fish by a food establishment is not a sale, dispense, or giving of food.

Analysis:

Provides a number of definitions. Exempts food banks that supply reclaimed fish to food establishments from rules pertaining to the resale of such fish, so long the establishment complies with relevant provisions and does not resell the fish at retail. Food establishments may only supply reclaimed fish to other food banks.

Food banks which receive reclaimed fish must not charge recipients for reclaimed fish, and must only stock reclaimed fish in their facilities. Food banks that do not charge recipients of reclaimed fish are exempt from labeling requirements, however processed reclaimed fish must be properly labeled.

Pennsylvania**PA H 1424 Preferred Trademark Licensing Fund**

2012

Status: Enacted - Chapter**Date of Last Action:** 10/05/2011 - Enacted***Author:** Bloom (R)**Topics:** Food Safety

Summary: Amends the Agriculture Code, provides for the establishment, registration and licensing and use of a Pennsylvania Preferred(R) trademark, establishes the terms and conditions under which a person may be licensed to use the trademark, allows licensees to be charged for costs incurred by the Department of Agriculture for marketing, establishes the Pennsylvania Preferred(R) Trademark Licensing Fund, provides for penalties and for enforcement.

Analysis:

Creates the “Pennsylvania Preferred” trademark, which is to be used in connection with “agricultural commodities” produced within the state. Entities who wish to use the trademark on their products must meet the conditions of a licensee, hold a license issued by the state, and be party to an agreement with the state to use the trademark. A trademark license expires after one year, at which time it may be renewed.

Rhode Island

RI S 2127

Health and Safety

2012

Status: Enacted - Public Law No. 2012-408**Date of Last Action:** 06/22/2012 - Enacted***Author:** DiPalma (D)**Topics:** Food Safety

Summary: Would establish a food allergy awareness program through the department of health which would require compliance by food-service establishments. This act would take effect upon passage.

Analysis:

Requires the director of health to “establish a food allergy awareness program.” Requires restaurants to display a poster and include information in menus related to food allergies and anaphylaxis. Restaurant managers must be familiar with food allergen issues and hold a certification to that effect. The director of health must provide educational materials to restaurant managers or designated employees about food allergens as they relate to restaurants. Authorizes the director of health to make rules and create a directory of restaurants that are “food allergy friendly.”

RI H 7595

Health and Safety

2012

Status: Enacted - Public Law No. 2012-414**Date of Last Action:** 06/22/2012 - Enacted***Author:** Jackson (D)**Topics:** Food Safety

Summary: Would establish a food allergy awareness program through the department of health which would require compliance by food-service establishments. This act would take effect upon passage.

Analysis:

Substantially the same as RI S 2127.

South Carolina

SC S 220

Food Resale Prohibition

2012

Status: Enacted - Act No. 173**Date of Last Action:** 05/25/2012 - Enacted***Author:** Jackson (D)**Topics:** Food Safety

Summary: Provides that food that has been sold or served to and possessed by a consumer that is returned by the consumer is considered adulterated and may not be offered for resale as food for human consumption, provides that containers of food that do not require time and temperature controls and that are not considered potentially hazardous may be re-served or sold if the food is in an unopened original package and is maintained in sound condition.

Analysis:

Prohibits the resale of “fresh meat or fresh meat products” that “have been returned by the consumer.”

SC H 4005

Honey Labeling Requirements

2012

Status: Enacted - Act No. 118**Date of Last Action:** 02/01/2012 - Enacted***Author:** Corbin (R)**Topics:** Agricultural Products| Food Safety

Summary: Relates to terms and their definitions regarding adulterated or misbranded food and cosmetics, provides a definition for the term honey, and the labeling requirements for honey.

Analysis:

Honey which is wholesale for resale purposes must comply with all relevant regulations regarding honey labeling, processing, packaging, and inspection. Honey which is sold directly to consumers by producers which produce less than 400 gallons/4,800 lbs of honey are exempt from inspection and regulation, however such producers must file for an exemption, register with the state Department of Agriculture, and comply with labeling requirements.

SC H 4689

Home-based Food Production

2012

Status: Enacted - Act No. 190**Date of Last Action:** 06/07/2012 - Enacted***Author:** Hiott (R)**Topics:** Food Safety

Summary: Provides health and sanitary requirements for home-based food production operations, including procedures for protecting food items prepared for sale by these operations, and food item packaging and labeling requirements, provides that these operations may not sell food items at wholesale, provides that these operations are not retail food establishments, provides a process whereby the Department of Health and Environmental Control may investigate complaints.



Analysis:

Defines terms. Bases the definition of a potentially hazardous food item on the pH value of the food. Requires people in “home-based food production operation[s]” to take reasonable measures to protect food produced. Enumerates safety precautions to be taken by home-based food producers. Requires food produced in a home-based food operation to be labeled accordingly. Sales must be made directly to consumers and not resold.

Tennessee

TN S 1850
2012

Food and Food Products

Status: Enacted - Public Chaptered. Chapter No. 387

Date of Last Action: 06/01/2011 - Enacted*

Author: Crowe (R)

Topics: Agricultural Products| Food Safety

Associated Bills: TN H 1699 - Same as

Summary: Relates to Food and Food Products, authorizes Commissioner of Agriculture to inspect home-based kitchens that prepare foods for retail sale at farmers' markets that are potentially low-risk for contamination, provides that when the commissioner finds after investigation, that the distribution in the state of such foods may, by reason of contamination with microorganisms during manufacture, processing or packing, be injurious to health, that the commissioner may prohibit the sale of such foods.

Analysis:

Defines “home-based kitchens”, “non-potentially hazardous foods” and “potentially hazardous foods.” Allows the sale of non-potentially hazardous foods made in home-based kitchens at a variety of locations where sales are typically made directly to consumers (at the site of production, farmers markets, community events, etc.). Preparers of non-potentially hazardous food in home-based kitchens may distribute the food as free samples and is required to “have adequate knowledge of safe food handling practices.” The commissioner may require that sales of non-potentially hazardous foods cease in the event of contamination resulting in a public health threat.

TN S 3547
2012

Food and Food Products

Status: Enacted - Public Chaptered. Chapter No. 1105

Date of Last Action: 05/21/2012 - Enacted*

Author: Crowe (R)

Topics: Food Safety

Associated Bills: TN H 3302 - Same as

Summary: Relates to Food and Food Products, authorizes the sale of food and food products cooked or produced in a home kitchen if vendor has a sign announcing that a home kitchen was the source of such food or food products.

Analysis:

Allows the sale of non-potentially hazardous homemade foods for sale at authorized locations. Requires a consumer notice at the point of sale stating that the items offered for sale were made in a home kitchen and not inspected by a health inspector. Items offered for sale must be properly labeled, and must include a list of ingredients. Allows non-potentially hazardous foods to be offered as samples. Exempts homemade food producers from the requirement of completing a “food safety course.”

UtahUT H 198
2012**Certain Food Grown By an Individual for Use****Status:** Enacted - Chaptered. Chapter No. 401**Date of Last Action:** 03/26/2012 - Enacted***Author:** Herrod (R)**Topics:** Food Safety**Summary:** Prohibits local or federal regulation of certain food that is grown by an individual for consumption by the individual or the individual's family unless the food possesses a risk to health, the spreading of insect infestation, or the spreading of agricultural disease, or the food is unlawfully possessed.*Analysis:*

Defines "family food." Family food is food for consumption by an individual person and that person's immediate family that is legal to consume and possess and does not pose a threat to health or otherwise pose a threat of spreading disease. Family food may not be confiscated by government officials and "is not subject to local or federal regulation."

VermontVT H 52
2012**Quail and Partridge Slaughter Inspections****Status:** Enacted - Act No. 13**Date of Last Action:** 04/28/2011 - Enacted***Author:** Partridge (D)**Topics:** Food Safety**Summary:** Proposes to amend the definition of poultry product so that the slaughter of quail, pheasant, and partridge would not be subject to state slaughter inspection to coincide with federal slaughter regulations for non amenable species.*Analysis:*

Defines poultry products and authorizes the Secretary to inspect bison, deer, wild game, game birds, and exotic animals on a voluntary basis.

WashingtonWA S 5748
2012**Cottage Food Operations****Status:** Enacted - Chapter No. 281**Date of Last Action:** 05/05/2011 - Enacted***Author:** Rockefeller (D)**Topics:** Food Safety**Summary:** Regards cottage food operations, provides that cottage foods may be sold only directly to the consumer and may not be sold through the Internet, mail order, or for retail sale outside the state, provides a maximum yearly sales limit, requires a permit and the inspection of the kitchen areas of the home where the food is prepared or stored, provides labeling requirements, requires rules regarding the permit process, sanitary procedures, facilities, equipment and utensils, food labeling, and hygiene.*Analysis:*

Adds a new section containing definitions pertaining to cottage food regulation. Authorizes the Director of the Department of Agriculture to promulgate rules for cottage foods. Cottage foods must be properly labeled and packaged, must be sold directly to consumers, and may not be sold for resale. Producers of



cottage foods must store their products in their primary residence. “Cottage food operations” must carry a permit from the Department of Agriculture, which must be renewed annually. The Director may inspect cottage food operations after permits are issued; cottage food operations must be inspected prior to receiving a permit to operate. Cottage food operations may sell no more than \$15,000 per year. As of January 1, 2013, the DOA must reset the maximum sale amount every two years “to reflect inflation.”

Wisconsin

WI S 496
2012

Brucellosis Testing

Status: Enacted - Act No. 2012-281

Date of Last Action: 04/12/2012 - Enacted*

Author: Schultz (R)

Topics: Agricultural Products | Food Safety | Livestock & Poultry | Livestock & Poultry - Health

Summary: Relates to brucellosis testing of milk, cream, and cattle, provides restrictions on moving or sale of American bison and other animal species.

Analysis:

Repeals several statute sections. Amends another section that addresses where in the statutes to find information regarding compliance with brucellosis testing.

WI S 517
2012

Plant Licensing

Status: Enacted - Act No. 2012-195

Date of Last Action: 04/02/2012 - Enacted*

Author: Lasee F (R)

Topics: Food Safety

Summary: Relates to licenses of food processing plants that make food products using milk or milk products manufactured at a dairy plant from pasteurized ingredients or are produced under other processes to eliminate or reduce food safety hazards, includes aseptically processed foods, high acid foods, heat treated foods, aged foods, cold pack foods, and similarly processed foods.

Analysis:

Exempts food processing plants from dairy plant licensing requirements if the dairy products used are pasteurized or otherwise treated to prevent disease.

Puerto Rico

PR HR 908
2012

Contaminated Food Study

Status: Adopted - House

Date of Last Action: 10/26/2009 - Enacted*

Author: Rodriguez Homs (PNP)

Topics: Food Safety

Summary: Orders the Committee on Education and Nonprofit Organizations and Cooperatives of the House of Representatives to conduct an urgent investigation into the problem of contaminated food in warehouses designated by the Department of Education of Puerto Rico.

Analysis:

Text of bill not available in English.

PR S 1237
2012

Ultra Pasteurized Milk Distribution

Status: Enacted - Law Number 221-2011

Date of Last Action: 11/18/2011 - Enacted*

Author: Berdiel Rivera (PNP)

Topics: Food Safety | Livestock & Poultry

Summary: Orders the Office for the Dairy Industry Regulation in Puerto Rico to ban the marketing, distribution and sale of Ultra Pasteurized milk and Aseptic, provided that said milk arrives at a distribution depot within thirty days or more of having been manufactured, prohibits the sale of all types of milk for human consumption from farms where they have used the stimulant hormone, known as bovine somatotropin or rBST.

Analysis:

Text of bill not available in English.



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