

Last Updated: March 03, 2021

Cottage Foods, Food Freedom

NEHA has been able to identify 43 bills in the 2021-2022 state legislative sessions that relate to cottage foods – that is, bills that relax or eliminate food safety requirements for retail foods.

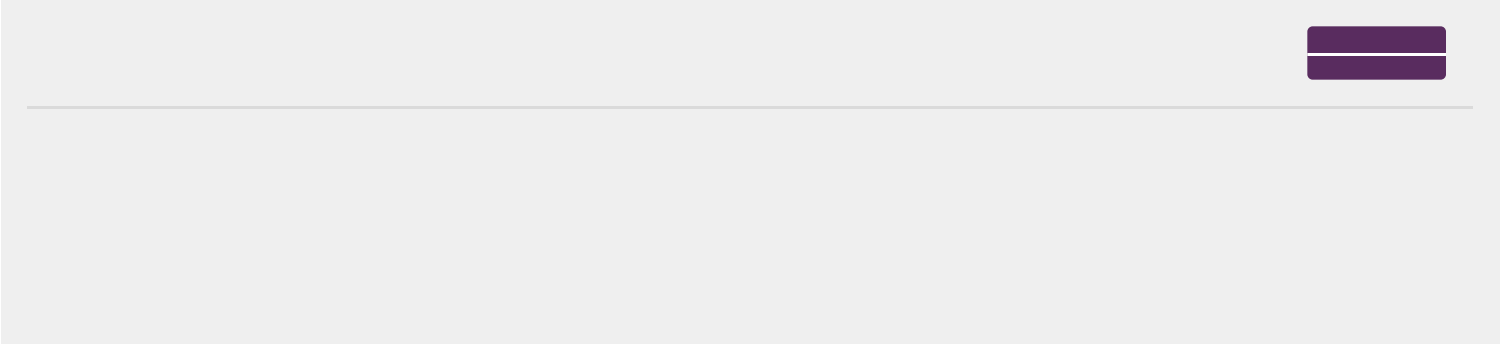
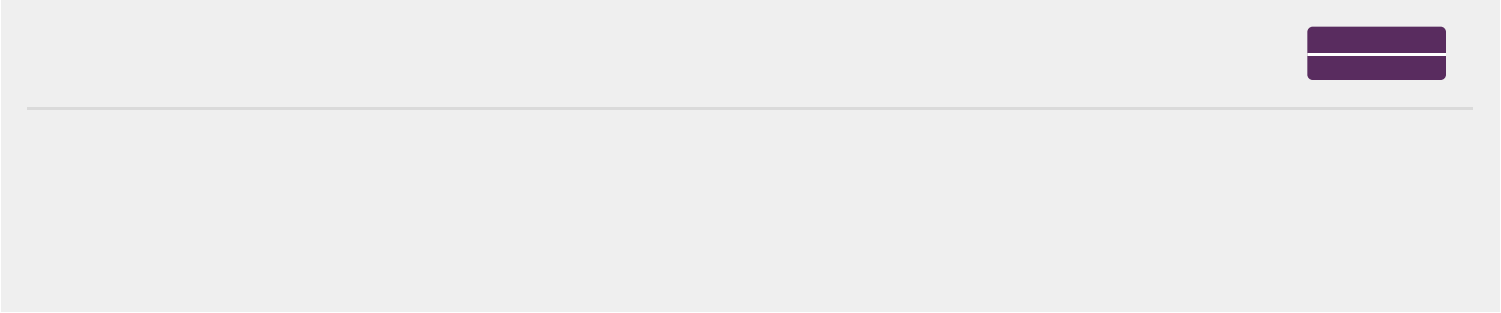
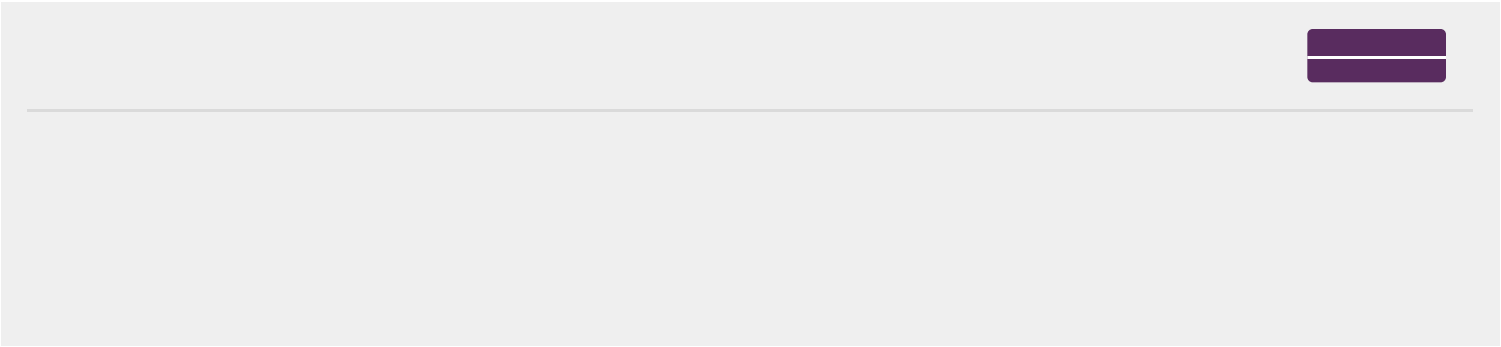
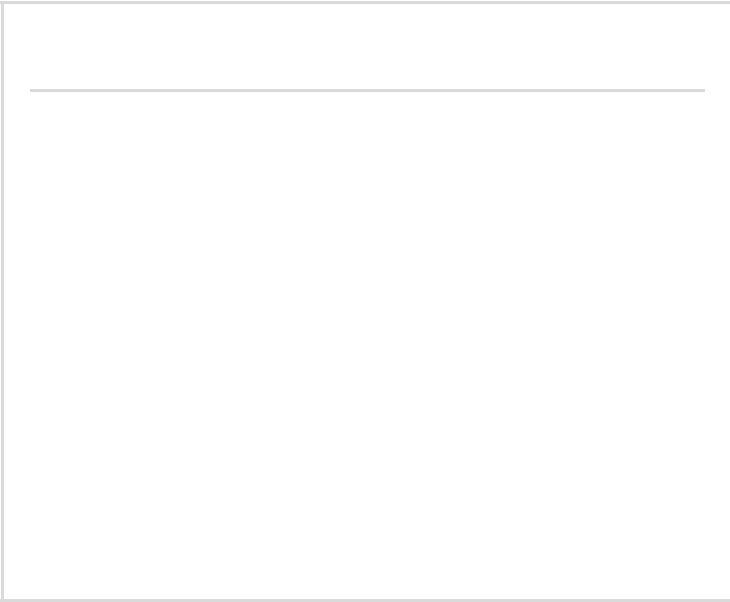
Certain bills seek to reform prior legislative efforts to exempt foods, to limit the types of retail establishments or food producers that may be exempted from food safety oversight. But most seek the opposite, to expand the range of food producers and retail establishments that may sell food exempt from any governmental oversight.

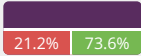
Several states introduced legislation regarding food freedom, meaning freedom from state food safety oversight. Arkansas is seeking to enact SB 248 which will create the Food Freedom Act, exempting homemade food or drink products from licensure, certification and inspection requirements. Minnesota's HB 433 Food Freedom Act exempts homemade food sellers and preempts the local food safety ordinances from applying to homemade food sellers.

Mississippi Food Freedom Act HB 588 sought to allow on-farm sales of homemade food products, but failed. Oklahoma SB 833 Food Freedom Act seeks to exempt homemade foods from state licensure, permitting, inspection, packaging and labeling requirements. Tennessee's HB 813 and SB 693 seek to recognize the right of individuals to produce, procure, and consume homemade foods of their choice free from unnecessary and anticompetitive regulations. The sponsors claim it will foster small businesses, innovation, and economic growth. Wyoming continues to expand its food freedom law. HB 118 will include eggs into the state's food freedom exemptions.

Arkansas HB 1118 will expand the state's cottage food law. This bill provides that cottage food sales through the internet are exempt from the definition of food service establishment. Indiana's HB 1103, SB 185 Home Based Vendors Act allows for such foods to be sold via the internet and delivered by a third party to the end consumer. Montana's SB 199 permits certain homemade food producers from food licensure, permitting, certification, packaging, labeling and inspection regulations. It will also allow the sale of raw milk and suspend state meat inspection.

Missouri's HB 357 allows cottage food production operations to sell food over the internet. SB 235 will permit the sale of raw milk or cream. Maryland's HB 1077 provides an exemption from a food establishment license for operators of open-air food markets.





RTAIN PROD

SB248 - TO CREATE THE FOOD FREEDOM ACT; AND TO EXEMPT
CERTAIN PRODUCERS OF HOMEMADE FOOD OR DRINK PRODUCTS

State

Bill Number

Status

FN Outlook

14.3%

87.0%

Cottage Food Operations

Increases annual gross sales limitation for exempting cottage food operations from food & building permitting requirements; authorizes sale, offer for sale, & delivery of cottage food products by mail; preempts regulation of cottage food operations to state; prohibits local governments from prohibiting or regulating cottage food operations.

State

Bill Number

Status

FN Outlook

3.4%

75.2%

Relating To Agricultural Enterprises.

Authorizes the department of agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure on any lands under the jurisdiction of the department, to support and promote agriculture. Establishes the agricultural enterprise program. Establishes the agricultural enterprise special fund. Requires the board of agriculture to annually report an accounting of non-agricultural park lessees to the legislature. (SD1)

State

Bill Number

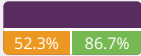
Status

FN Outlook

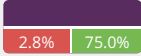
5.7%

79.8%

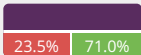
A bill for an act relating to homemade food derived from a commodity produced, processed, prepared, offered for sale, or sold on a farm, including by providing for exemptions from certain regulations.



An Act regulating cottage foods



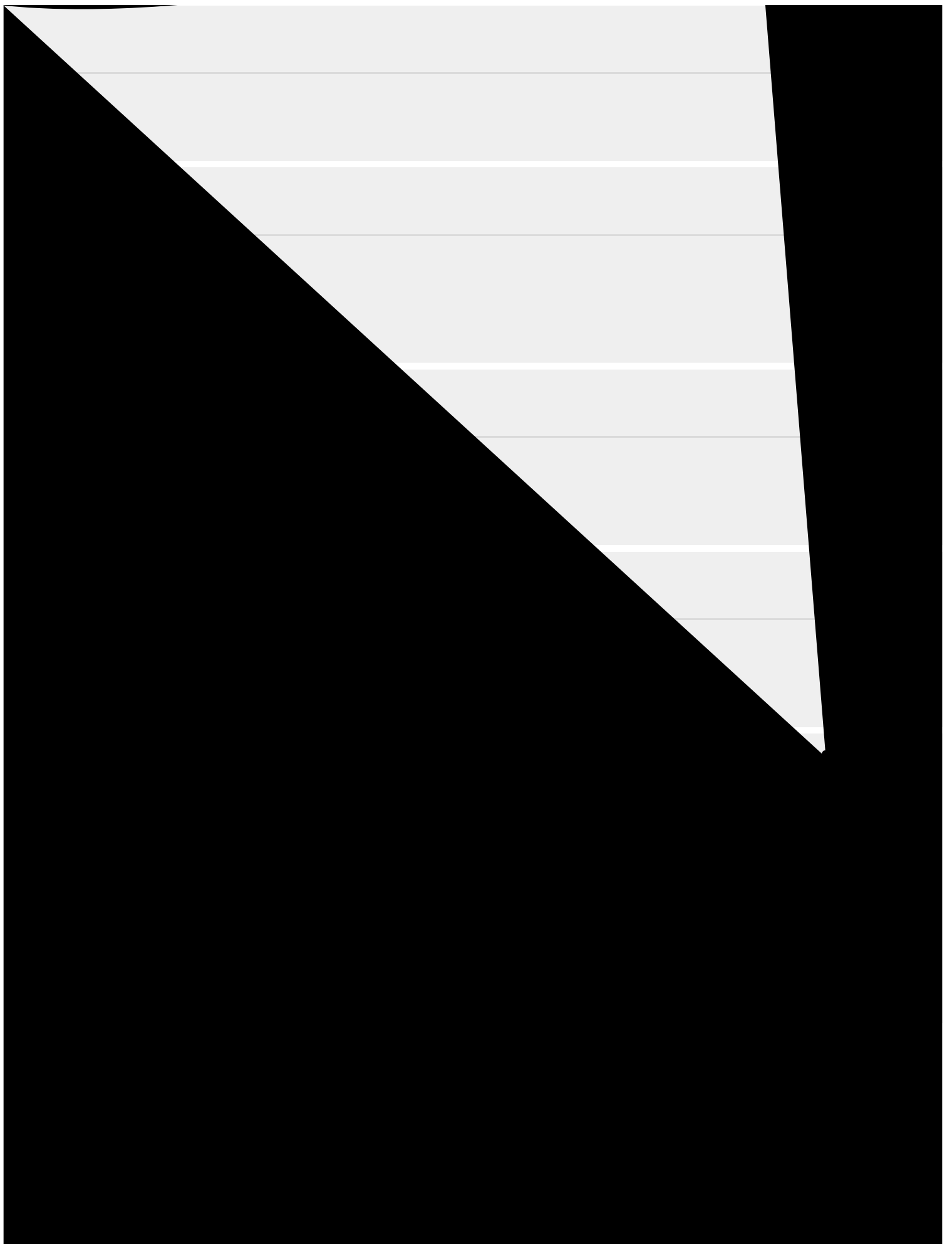
An Act to promote economic opportunities for cottage food entrepreneurs



Health - Licensing of Food Establishments - Exemption for Open-Air Food Markets

Providing that a food establishment license is not required for a person who operates an open-air food market at the person's place of business and obtains an exemption from the licensure requirement from the Maryland Department of Health.







State

Bill Number

Status

Cottage food operation; increase maximum annual gross sales and authorize to advertise over the internet.

An Act To Amend Section 75-29-951, Mississippi Code Of 1972, To Increase The Maximum Annual Gross Sales For A Cottage Food Operation To Be Exempt From Food Establishment Permit Fees; To Authorize A Cottage Food Operation To Advertise Cottage Food Products Over The Internet, Including Through Social Media; And For Related Purposes.

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