

Regular Session, 2014

ACT No. 542

HOUSE BILL NO. 1270 (Substitute for House Bill No. 775 by Representative Simon)

BY REPRESENTATIVE SIMON

1 AN ACT

2 To amend and reenact R.S. 40:4.9(A)(1), (2)(introductory paragraph), (b), (c)(introductory
3 paragraph), (ii), and (iv), (B), and (C) and to enact R.S. 40:4.9(D) and (E), relative
4 to certain foods prepared in the home for sale; to provide for application of the state
5 Sanitary Code; to provide for regulations concerning preparation of low-risk foods
6 in the home for public consumption; to provide a definition of low-risk foods; to
7 provide special conditions for preparation and sale of certain baked goods; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:4.9(A)(1), (2)(introductory paragraph), (b), (c)(introductory
11 paragraph), (ii), and (iv), (B), and (C) are hereby amended and reenacted and R.S. 40:4.9(D)
12 and (E) are hereby enacted to read as follows:

13 §4.9. ~~Jellies, preserves, jams, honey, honeycomb products, cakes, and cookies~~ Low-
14 risk foods; preparation in home for public consumption

15 A.(1)(a) No provision of the state Sanitary Code or any provision of any
16 other law or regulation that requires any equipment, design, construction, utensils,
17 supplies, preparation, or services shall apply to the preparation of ~~jellies, preserves,~~
18 ~~jams, honey, honeycomb products, cakes, and cookies~~ low-risk foods, as defined in
19 Subsection E of this Section, in the home for sale. This Section shall not be
20 construed to allow the sale or distribution of any unwholesome food.

21 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
22 any preparer of breads, cakes, ~~and~~ cookies, or pies who employs any individual to
23 assist in the preparation of such ~~cakes and cookies~~ food for sale.

1 D.(1) Any individual who prepares low-risk foods in the home for sale, as
2 authorized by this Section, shall affix to any such food offered for sale a label which
3 clearly indicates that the food was not produced in a licensed or regulated facility.

4 (2) No individual who prepares low-risk foods in the home shall sell such
5 foods unless he has applied for and been issued all of the following:

6 (a) A Louisiana General Sales Tax Certificate from the Louisiana
7 Department of Revenue.

8 (b) A local sales tax certificate from the local taxing authority of any
9 jurisdiction in which he intends to sell foods.

10 E. For purposes of this Section, "low-risk foods" shall include all of the
11 following, none of which shall consist of any animal muscle protein or fish protein:

12 (1) Baked goods, including breads, cakes, cookies, and pies.

13 (2) Candies.

14 (3) Dried mixes.

15 (4) Honey and honeycomb products.

16 (5) Jams, jellies, and preserves.

17 (6) Pickles and acidified foods.

18 (7) Sauces and syrups.

19 (8) Spices.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____