

2025 Regular Session

HOUSE BILL NO. 150

BY REPRESENTATIVE COATES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SMALL BUSINESS: Provides for the production of homemade food for sale to the public

1 AN ACT

2 To enact R.S. 40:4.13 and to repeal R.S. 40:4.9, relative to the production of homemade  
3 food for sale to the public; to provide for definitions; to create an exemption to  
4 licensing requirements for certain food producers; to establish categories of  
5 homemade food based on temperature and safety requirements; to establish labeling  
6 requirements for homemade food; to provide for the collection of taxes; to provide  
7 for penalties; to repeal income limitations; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:4.13 is hereby enacted to read as follows:

10 §4.13. Homemade food production; requirements; penalties

11 A. As used in this Section, the following definitions apply:

12 (1) "Homemade food" means a food that is produced and, if packaged,  
13 packaged at the private residence of the producer.

14 (2) "Non-potentially hazardous food" means a homemade food that does not  
15 require time or temperature control for safety to limit pathogenic microorganism  
16 growth or toxin formation.

17 (3) "Potentially hazardous food" means a homemade food that requires time  
18 or temperature control for safety to limit pathogenic microorganism growth or toxin  
19 formation.

1           B. No provision of the state Sanitary Code or any provision of any other law  
2           or regulation that requires any equipment, design, construction, utensils, supplies,  
3           preparation, or services shall apply to the preparation and sale of homemade food  
4           except as provided for in this Section.

5           C. A preparer of homemade food shall adhere to all of the following  
6           requirements:

7           (1) A preparer shall sell homemade food either in person or remotely through  
8           the internet or telephone.

9           (2)(a) A preparer shall label any homemade food offered for sale. The label  
10          shall contain all of the following:

11          (i) A statement that the homemade food was produced in a private residence  
12          that is exempt from state licensing and inspection.

13          (ii) The name, address, and telephone number of the preparer.

14          (iii) The ingredients of the homemade food in descending order of  
15          predominance.

16          (b) The labeling requirements in Subparagraph (a) of this Paragraph shall not  
17          apply to a preparer of raw honey offered for sale if the honey is not pasteurized,  
18          filtered, or otherwise processed to remove natural pollen contained in the honey.

19          (3) A preparer shall only use pasteurized milk or milk products in the  
20          preparation of a potentially hazardous food.

21          (4) A preparer shall maintain cooking and production areas used to produce  
22          homemade food in a clean and sanitary manner.

23          (5) A preparer shall ensure cooking and production areas are free from  
24          domestic pets while preparing homemade food.

25          (6) A preparer shall maintain all equipment used or connected with the  
26          production, storing, or processing of homemade food in a clean and sanitary manner,  
27          free from any cracks and, wherever possible, be composed of a non-corroding metal,  
28          or other smooth, impervious material. Stationary or non-readily movable equipment  
29          shall be installed in a manner that allows for easy cleaning.

1           (7) A preparer shall not sell any homemade food containing cannabidiol or  
2           tetrahydrocannabinol.

3           (8) A preparer shall not sell a homemade food unless the individual collects  
4           any applicable sales and use taxes.

5           D. A preparer of potentially hazardous food shall adhere to all of the  
6           following requirements:

7           (1) A preparer or an employee of a preparer shall deliver a potentially  
8           hazardous food directly to the consumer.

9           (2)(a) If a potentially hazardous food requires transportation prior to delivery  
10          to the consumer, the preparer shall maintain the potentially hazardous food at an  
11          appropriate temperature during transport to maintain food safety.

12          (b) A preparer shall not transport a potentially hazardous food more than  
13          once or for a period of time longer than two hours.

14          E.(1) A preparer of non-potentially hazardous foods may sell and ship a non-  
15          potentially hazardous food to an individual or retailer for resale.

16          (2) A non-potentially hazardous food shall include but not be limited to all  
17          of the following:

18          (a) Baked goods, including breads, cakes, cookies, and pies.

19          (b) Candies.

20          (c) Cane syrup.

21          (d) Dried herbs, spices, and spice mixes.

22          (e) Honey and honeycomb products.

23          (f) Jams, jellies, and preserves.

24          (g) Pickles and acidified foods.

25          (h) Sauces and syrups.

26          (i) Uncut fruit dipped in chocolate, caramel, or a candy coating.

27          (j) Coffee and tea mixes.

28          (k) Popcorn.

29          (l) Dry pasta.

1           F. The Louisiana Department of Health may enforce this Section and issue  
 2           civil penalties for violations of this Section not to exceed one hundred dollars. The  
 3           state health department shall issue a written warning to a preparer of food pursuant  
 4           to this Section before issuing a civil penalty. Nothing in this Section shall interfere  
 5           with the Louisiana Department of Health's authority to investigate and respond to a  
 6           report of foodborne illness, including issuing an order to a preparer to cease selling  
 7           food that is unwholesome.  
 8           Section 2. R.S. 40:4.9 is hereby repealed in its entirety.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 150 Original

2025 Regular Session

Coates

**Abstract:** Provides for the production and sale of homemade food to consumers and retailers.

Present law states that an individual may sell and produce low-risk food made and packaged in the individual's home.

Present law authorizes the production and sale of homemade food that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Proposed law changes present law by changing the term "low-risk foods" to "non-potentially hazardous food" and creating the term "potentially hazardous food".

Proposed law defines "homemade food" as food that is produced and packaged at home.

Proposed law defines "non-potentially hazardous food" as homemade food that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Proposed law defines "potentially hazardous food" as homemade food that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Proposed law modifies present law by expanding the types of homemade food that may be sold and removing specific references to custards, pies, cakes, and cookies.

Present law states that provisions of the Sanitary Code or any other law or regulation that governs food production except for present law shall apply to the production and sale of homemade food.

Proposed law retains present law.

Present law provides that a preparer of homemade food for sale shall maintain food production areas and equipment in a clean sanitary manner.

Proposed law retains present law.

Present law requires a preparer of homemade food to exclude pets from any part of the residence where homemade food items are prepared.

Proposed law modifies present law stating that a preparer of homemade food must exclude pets from any part of the residence where homemade food items are prepared while the food item is being prepared.

Proposed law states that a homemade food may be sold in person or remotely via the internet or telephone.

Present law requires a homemade food preparer to use only pasturized milk products when preparing homemade food for sale.

Proposed law retains present law.

Present law requires a homemade food preparer to label clearly stating that the homemade food for sale was not produced in a licensed or regulated facility.

Proposed law retains present law and adds that a homemade food preparer shall include on the label the preparer's name, address, and telephone number and the ingredients, in descending order of predominance, of the homemade food.

Present law creates an exception to the labeling requirement for raw honey offered for sale if the honey is not pasteurized, filtered, or otherwise processed to remove natural pollen contained in the honey.

Proposed law retains present law.

Present law prohibits a preparer from selling a homemade food if it contains cannabidiol or tetrahydrocannabinol.

Proposed law retains present law.

Present law prohibits an individual from selling a homemade food unless he registers to collect any applicable sales or use tax, as evidenced by a current sales tax certificate issued to the seller by the sales and use tax collector for the parish in which the sales occur.

Proposed law modifies present law by prohibiting an individual from selling homemade food unless he collects any applicable sales or use tax.

Present law states that present law shall not apply to a homemade food preparer whose gross annual sales of homemade food equals \$30,000 or more.

Proposed law repeals present law.

Proposed law establishes requirements for delivering potentially hazardous food including delivery and time limitations in order to promote safe food handling.

Proposed law states that a preparer of potentially hazardous food shall not sell a potentially hazardous food to an individual or retailer for resale.

Proposed law states that a preparer of non-potentially hazardous food may sell and ship a non-potentially hazardous food to an individual or retailer for resale.

Present law provides an illustrative list of low-risk foods.

Proposed law expands the illustrative list of non-potentially hazardous foods.

Proposed law establishes a warning followed by a \$100 penalty issued by the La. Dept. of Health (LDH) for violating proposed law.

Proposed law states that proposed law shall not interfere with LDH's authority to investigate and respond to a report of foodborne illness, including issuing an order to a preparer to cease selling food that is unwholesome.

(Adds R.S. 40:4.13; Repeals R.S. 40:4.9)