ENROLLED

Regular Session, 2014

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.

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1	(2) Notwithstanding any provision of law to the contrary, <u>all of</u> the following
2	provisions of the state Sanitary Code restrictions, conditions, and requirements shall
3	apply to the preparation of <u>breads</u> , cakes, and cookies, <u>and pies</u> in the home for sale:
4	* * *
5	(b) The building shall be constructed so as to exclude rats, mice, roaches or
6	other vermin. Domestic pets shall be excluded in any part of the establishment
7	where the preparation and baking of such cakes and cookies take bakery products
8	takes place.
9	(c) All equipment used or connected in any way with the manufacture,
10	baking, cooking or other processing, handling, packing, or storing of any bakery or
11	confectionery product shall comply with the following:
12	* * *
13	(ii) Refrigeration shall be provided so that all perishable food products used
14	in the manufacturer processing of any kind connected with the production,
15	distribution, or sale of bakery or confectionery products shall be maintained at a
16	temperature not to exceed forty-five degrees Fahrenheit.
17	* * *
18	(iv) All barrels, boxes, tubs, pails, kneading troughs, machines, racks, pans,
19	or other receptacles used for holding materials from which bakery or confectionery
20	products are manufactured shall be kept clean and sanitary and shall be so
21	constructed as to be easily cleanable.
22	* * *
23	B. This Section shall not apply to any preparers of jellies, preserves, jams,
24	honey, honeycomb products, cakes, and cookies which are preparer of low-risk foods
25	made at a home for sale, whose gross annual sales equal twenty thousand dollars or
26	more.
27	C. Any No individual selling cookies and cakes from who prepares breads,
28	cakes, cookies, or pies in the home for sale to the public pursuant to this Section shall
29	not sell such cakes and cookies foods to any retail business or individual for resale.

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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: _____

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