

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0535.02 Yelana Love x2295

**HOUSE BILL 26-1033**

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**HOUSE SPONSORSHIP**

**Gonzalez R. and Duran,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Agriculture, Water & Natural Resources  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING EXPANDING THE SCOPE OF THE "COLORADO COTTAGE**  
102 **FOODS ACT".**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill expands the "Colorado Cottage Foods Act" (CCFA) by allowing for the sale of homemade foods that require refrigeration and foods that include meat and meat products. A producer of a food (producer) that requires time and temperature control must take a food safety course that includes food handling training concerning time and temperature control and acquire and maintain proof of course completion.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

The bill authorizes a county, district, or regional health agency that inspects or investigates homemade food products produced pursuant to the CCFA to impose a fine for a violation of the requirements of the CCFA and to recover the cost of the inspection or investigation.

The bill removes the \$10,000 cap on net revenues that a producer can earn under the CCFA.

The bill specifies that the CCFA does not apply to the sale of certain food products.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the "Tamale  
3 Act".

4 **SECTION 2.** In Colorado Revised Statutes, 25-4-1614, **amend**  
5 (2)(a), (2)(b), (2)(c), (2)(e), (3)(a)(II), (4), (8), (9)(b), and (9)(c)  
6 introductory portion; **and add** (8.5) and (11) as follows:

7 **25-4-1614. Home kitchens - exemption - food inspection - short**  
8 **title - applicability - definitions - rules - repeal.**

9 (2) (a) (I) A producer may use ~~his or her~~ THEIR home kitchen or  
10 a commercial, private, or public kitchen to produce NONPOTENTIALLY  
11 HAZARDOUS foods for sale ~~only if the producer sells the foods~~ directly to  
12 informed end consumers. THESE FOODS INCLUDE PICKLED FRUITS AND  
13 VEGETABLES, SPICES, TEAS, DEHYDRATED PRODUCE, NUTS, SEEDS, HONEY,  
14 JAMS, JELLIES, PRESERVES, FRUIT BUTTER, FLOUR, BAKED GOODS, CANDIES,  
15 FRUIT EMPANADAS, TORTILLAS, AND OTHER NONPOTENTIALLY HAZARDOUS  
16 FOODS.

17 (II) A PRODUCER MAY USE THEIR HOME KITCHEN TO PRODUCE AND  
18 SELL PACKAGED FOODS THAT REQUIRE TIME AND TEMPERATURE CONTROL  
19 FOR SAFETY, INCLUDING TAMALES, BURRITOS, AND TORTAS. A PRODUCER  
20 MAY SELL UP TO FIVE INDIVIDUAL FOOD PRODUCTS OF ONE TYPE OF FOOD  
21 THAT REQUIRES TIME AND TEMPERATURE CONTROL FOR SAFETY. THE

1 PRODUCER MUST SPECIFY THE INDIVIDUAL FOOD PRODUCTS THAT REQUIRE  
2 TIME AND TEMPERATURE CONTROL FOR SAFETY AND PROVIDE A LIST OF  
3 SUCH FOOD PRODUCTS TO THE DEPARTMENT OR A COUNTY, DISTRICT, OR  
4 REGIONAL HEALTH AGENCY UPON REQUEST. A PRODUCER MAY CHANGE  
5 THE FOOD PRODUCTS THAT REQUIRE TIME AND TEMPERATURE CONTROL  
6 FOR SAFETY, AS LONG AS THE PRODUCER IS NOT SELLING MORE THAN FIVE  
7 FOOD PRODUCTS THAT REQUIRE TIME AND TEMPERATURE CONTROL FOR  
8 SAFETY AT ANY GIVEN TIME. THE PRODUCER MUST PACKAGE FOOD  
9 PRODUCTS REQUIRING TIME AND TEMPERATURE CONTROL IN THE  
10 PRODUCER'S HOME KITCHEN OR A COMMERCIAL, PRIVATE, OR PUBLIC  
11 KITCHEN.

12 (III) A PERSON MAY SELL WHOLE EGGS UNDER THIS SECTION;  
13 EXCEPT THAT A PERSON MAY NOT SELL MORE THAN TWO HUNDRED FIFTY  
14 DOZEN WHOLE EGGS PER MONTH UNDER THIS SECTION. A PERSON SELLING  
15 WHOLE EGGS MUST MEET THE REQUIREMENTS OF SECTION 35-21-105.

16 (IV) THE FINAL FOOD PRODUCT SHALL NOT BE COOLED AND  
17 REHEATED BEFORE BEING SOLD.

18 ~~(b) (I) A producer is permitted under this section to sell only a~~  
19 ~~limited range of foods that have been produced, processed, or packaged~~  
20 ~~that are nonpotentially hazardous and do not require refrigeration. These~~  
21 ~~foods include pickled fruits and vegetables, spices, teas, dehydrated~~  
22 ~~produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour,~~  
23 ~~and baked goods, including candies, fruit empanadas, and tortillas, and~~  
24 ~~other nonpotentially hazardous foods.~~ THAT SELLS FOOD THAT REQUIRES  
25 TIME AND TEMPERATURE CONTROL FOR SAFETY SHALL ENSURE THAT ANY  
26 MEAT OR MEAT PRODUCT USED IN THE PRODUCTION OF FOOD UNDER THIS  
27 SECTION SATISFIES AN EXEMPTION FROM INSPECTION, SUCH AS THE

1 FEDERAL EXEMPTIONS FOR POULTRY PRODUCERS THAT PROCESS FEWER  
2 THAN TWENTY THOUSAND POULTRY OR A FEDERAL MEAT PROCESSING  
3 EXEMPTION.

4 (II) ~~A person may sell whole eggs under this section; except that~~  
5 ~~a person may not sell more than two hundred fifty dozen whole eggs per~~  
6 ~~month under this section. A person selling whole eggs must meet the~~  
7 ~~requirements of section 35-21-105, C.R.S.~~ IF A FOOD PRODUCT REQUIRES  
8 TIME AND TEMPERATURE CONTROL FOR SAFETY, THE PRODUCER SHALL  
9 FOLLOW ALL COOKING, COOLING, AND HOLDING TEMPERATURES AS  
10 SPECIFIED IN RULES ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION  
11 25-4-1604 (1)(b) TO PROTECT FOOD SAFETY UNTIL THE TIME OF SALE.

12 (III) IF A PRODUCER TRANSPORTS A FOOD PRODUCT THAT REQUIRES  
13 TIME AND TEMPERATURE CONTROL FOR SAFETY BEFORE FINAL DELIVERY  
14 TO AN INFORMED END CONSUMER, THE PRODUCER SHALL MAINTAIN THE  
15 FOOD PRODUCT AT AN APPROPRIATE HOLDING TEMPERATURE TO PROTECT  
16 FOOD SAFETY DURING TRANSPORT, SHALL NOT TRANSPORT THE FOOD  
17 PRODUCT MORE THAN ONCE, AND SHALL NOT TRANSPORT THE FOOD  
18 PRODUCT FOR LONGER THAN TWO HOURS.

19 (IV) A PRODUCER SHALL NOT MAKE BARE-HAND CONTACT WITH  
20 READY-TO-EAT FOODS SOLD UNDER THIS SECTION.

21 (c) (I) A producer ~~must~~ SHALL take a food safety course that  
22 includes basic food handling training and is comparable to, or is, a course  
23 given by the Colorado state university extension service or a state, county,  
24 or district public health agency and ~~must~~ SHALL maintain a status of good  
25 standing in accordance with the course requirements, including attending  
26 ~~any~~ additional classes if necessary.

27 (II) A PRODUCER THAT SELLS FOOD PRODUCTS THAT REQUIRE TIME

1 AND TEMPERATURE CONTROL FOR SAFETY SHALL TAKE A FOOD SAFETY  
2 COURSE THAT INCLUDES FOOD HANDLING TRAINING CONCERNING TIME  
3 AND TEMPERATURE CONTROL AND ACQUIRE AND MAINTAIN PROOF OF  
4 COURSE COMPLETION AND A STATUS OF GOOD STANDING IN ACCORDANCE  
5 WITH THE COURSE REQUIREMENTS, INCLUDING ATTENDING ADDITIONAL  
6 CLASSES IF NECESSARY. THE DEPARTMENT MAY APPROVE COURSES THAT  
7 PROVIDE THE TRAINING SPECIFIED IN THIS SUBSECTION (2)(c)(II).

8 (e) This section applies only to producers ~~who~~ THAT earn net  
9 GROSS revenues of ~~ten~~ ONE HUNDRED FIFTY thousand dollars or less per  
10 calendar year from the sale of ~~each eligible food product produced in the~~  
11 ~~producer's home kitchen or a commercial, private, or public kitchen~~ FOOD  
12 PERMITTED UNDER THIS SECTION. THE DEPARTMENT SHALL ANNUALLY  
13 ADJUST THE CAP FOR INFLATION. THE DEPARTMENT MAY ROUND THE  
14 ADJUSTED AMOUNT UPWARD TO THE NEAREST DOLLAR. INFLATION IS  
15 MEASURED BY THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES  
16 DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE  
17 INDEX, OR A SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR  
18 ALL ITEMS PAID FOR BY URBAN CONSUMERS. A PRODUCER SHALL NOT  
19 ESTABLISH, REORGANIZE, OR OPERATE MULTIPLE ENTITIES OR  
20 CONTRACTUAL ARRANGEMENTS FOR THE PURPOSE OF CIRCUMVENTING  
21 THIS REVENUE CAP.

22 (3) (a) A food product sold under this section must have an  
23 affixed label that includes at least:

24 (II) The producer's name, DEPARTMENT-ISSUED REGISTRATION  
25 NUMBER, the ~~address at~~ COUNTY IN which the food was prepared, and the  
26 producer's current telephone number or electronic mail address;

27 (4) (a) A food product produced pursuant to this section is subject

1 to food sampling and inspection by the department or a county, district,  
2 or regional health agency pursuant to section 25-5-406 if it is determined  
3 that the food product is misbranded pursuant to subsection (3) of this  
4 section or if a consumer complaint has been received or if the product is  
5 suspected in an injury or food-borne illness outbreak. A COUNTY OR  
6 DISTRICT PUBLIC HEALTH AGENCY MAY IMPLEMENT RANDOM INSPECTIONS  
7 OF A PRODUCER'S HOME KITCHEN AND ESTABLISH ADDITIONAL TRAINING  
8 REQUIREMENTS AND LOCAL COMPLIANT-RESPONSE PROCEDURES,  
9 INCLUDING CORRECTIVE ACTION PLANS AND FOLLOW UP CHECKS, IF DONE  
10 AT MINIMAL COST TO THE PRODUCER.

11 (b) IF THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL  
12 HEALTH AGENCY INSPECTS A FOOD PRODUCT PRODUCED PURSUANT TO  
13 THIS SECTION AND DETERMINES THAT THE FOOD PRODUCT IS MISBRANDED  
14 OR MAY CAUSE AN INJURY OR FOOD-BORNE ILLNESS OUTBREAK, THE  
15 DEPARTMENT OR HEALTH AGENCY MAY:

16 (I) IMPOSE A FINE FOR A VIOLATION OF THIS SECTION, WHICH FINE  
17 MUST NOT EXCEED A TOTAL OF ONE HUNDRED DOLLARS FOR THE  
18 VIOLATION; AND

19 (II) RECOVER FROM THE PRODUCER THE COST OF THE  
20 INVESTIGATION OR INSPECTION, WHICH COST MUST NOT EXCEED ONE  
21 THOUSAND DOLLARS.

22 (c) IF THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL  
23 HEALTH AGENCY DETERMINES THAT, ON THREE SEPARATE OCCASIONS  
24 WITHIN TWELVE MONTHS, A PRODUCER HAS MISBRANDED FOOD THAT  
25 REQUIRES TIME AND TEMPERATURE CONTROL FOR SAFETY OR FAILED TO  
26 COMPLY WITH REQUIREMENTS RELATED TO FOOD THAT REQUIRES TIME  
27 AND TEMPERATURE CONTROL FOR SAFETY, THE PRODUCER SHALL NOT

1 SELL FOODS THAT REQUIRE TIME AND TEMPERATURE CONTROL PURSUANT  
2 TO THIS SECTION.

3 (8) (a) ON AND AFTER JANUARY 1, 2027, A PRODUCER SHALL  
4 REGISTER WITH THE DEPARTMENT BEFORE SELLING ANY FOOD UNDER THIS  
5 SECTION. THE REGISTRATION MUST INDICATE THE TYPES OF FOOD THE  
6 PRODUCER ANTICIPATES SELLING UNDER THIS SECTION. THE DEPARTMENT  
7 SHALL ISSUE A REGISTRATION NUMBER TO EACH PRODUCER.

8 (b) The department ~~or a county, district, or regional health agency~~  
9 ~~may~~ SHALL create a ~~voluntary~~ AND MAINTAIN AN electronic registry of  
10 producers, ~~if it determines that a registry would be of value to producers~~  
11 ~~and consumers~~ UPDATE THE REGISTRY ANNUALLY, SHARE THE REGISTRY  
12 WITH EACH COUNTY OR DISTRICT PUBLIC HEALTH AGENCY, AND MAKE THE  
13 REGISTRY AVAILABLE ON THE DEPARTMENT'S PUBLIC-FACING WEBSITE.

14 (8.5) THIS SECTION DOES NOT APPLY TO THE SALE OF RAW MILK;  
15 LOW-ACID CANNED FOOD PRODUCTS; FERMENTED OR ACIDIFIED FOOD  
16 PRODUCTS THAT REQUIRE TIME AND TEMPERATURE CONTROL FOR SAFETY;  
17 FOOD PRODUCTS THAT ARE ALCOHOL BEVERAGES OR THAT CONTAIN  
18 CANNABINOIDS; OR FOOD PRODUCTS THAT ARE PRODUCED WITH SMOKING  
19 USED AS A PRESERVATION METHOD AND NOT FOR FLAVOR, REDUCED  
20 OXYGEN PROCESSING, OR CURING.

21 (9) As used in this section:

22 (b) ~~"Nonpotentially hazardous" has the meaning set forth in~~  
23 ~~section 25-4-1602 (12)~~ "MEAT OR MEAT PRODUCTS" HAS THE MEANING  
24 SET FORTH IN SECTION 35-33-103 (8).

25 (c) "Producer" means a person ~~who~~ THAT prepares ~~nonpotentially~~  
26 ~~hazardous~~ foods in a home kitchen or similar venue for sale directly to  
27 consumers pursuant to this section and includes that person's designated

1 representative. A producer may only be:

2 (11) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.  
3 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN  
4 ACCORDANCE WITH SECTION 24-34-104.

5 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**  
6 (29)(a)(XXI) as follows:

7 **24-34-104. General assembly review of regulatory agencies**  
8 **and functions for repeal, continuation, or reestablishment - legislative**  
9 **declaration - repeal.**

10 (29) (a) The following agencies, functions, or both, are scheduled  
11 for repeal on September 1, 2028:

12 (XXI) THE "COLORADO COTTAGE FOODS ACT", SECTION  
13 25-4-1614.

14 **SECTION 4.** In Colorado Revised Statutes, **add** 25-4-1614.5 as  
15 follows:

16 **25-4-1614.5. Cottage foods cash fund created.**

17 (1) THE COTTAGE FOODS CASH FUND IS CREATED IN THE STATE  
18 TREASURY. THE COTTAGE FOODS CASH FUND CONSISTS OF MONEY  
19 CREDITED TO THE COTTAGE FOODS CASH FUND PURSUANT TO SECTIONS  
20 25-1.5-303 (5)(e) AND 25-27-107.5 (3) AND ANY OTHER MONEY THAT THE  
21 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE COTTAGE  
22 FOODS CASH FUND.

23 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
25 COTTAGE FOODS CASH FUND TO THE COTTAGE FOODS CASH FUND.

26 (3) MONEY IN THE COTTAGE FOODS CASH FUND IS CONTINUOUSLY  
27 APPROPRIATED TO THE DEPARTMENT FOR ADMINISTRATION OF SECTION

1 25-4-1614.

2 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-303, **add**  
3 (5)(e) as follows:

4 **25-1.5-303. Medication reminder boxes or systems -**  
5 **medication cash fund - repeal.**

6 (5) (e) (I) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION,  
7 ON JULY 1, 2026, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED  
8 THOUSAND DOLLARS FROM THE MEDICATION ADMINISTRATION CASH FUND  
9 CREATED IN SUBSECTION (5)(a) OF THIS SECTION TO THE COTTAGE FOODS  
10 CASH FUND CREATED IN SECTION 25-4-1614.5.

11 (II) THIS SUBSECTION (5)(e) IS REPEALED, EFFECTIVE JULY 1, 2028.

12 **SECTION 6.** In Colorado Revised Statutes, 25-27-107.5, **add** (3)  
13 as follows:

14 **25-27-107.5. Assisted living residence cash fund created -**  
15 **repeal.**

16 (3) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON  
17 JULY 1, 2026, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED  
18 THOUSAND DOLLARS FROM THE ASSISTED LIVING RESIDENCE CASH FUND  
19 CREATED IN SUBSECTION (1) OF THIS SECTION TO THE COTTAGE FOODS  
20 CASH FUND CREATED IN SECTION 25-4-1614.5.

21 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2028.

22 **SECTION 7.** In Colorado Revised Statutes, 35-36-102, **amend**  
23 (8)(b)(II) and (12)(b)(II) as follows:

24 **35-36-102. Definitions.**

25 As used in this article 36, unless the context otherwise requires:

26 (8) (b) "Commodity handler" does not include:

27 (II) A producer as defined in the "Colorado Cottage Foods Act",

1 section 25-4-1614 (9)(c), ~~who~~ THAT earns ~~net~~ GROSS revenues of ~~ten~~  
2 ~~thousand dollars or less per calendar year from the sale of each eligible~~  
3 ~~food product~~ LESS THAN THE AMOUNT PERMITTED PURSUANT TO SECTION  
4 25-4-1614 (2)(e).

5 (12) (b) "Dealer" does not include:

6 (II) A producer as defined in the "Colorado Cottage Foods Act",  
7 section 25-4-1614 (9)(c), ~~who~~ THAT earns ~~net~~ GROSS revenues of ~~ten~~  
8 ~~thousand dollars or less per calendar year from the sale of each eligible~~  
9 ~~food product~~ LESS THAN THE AMOUNT PERMITTED PURSUANT TO SECTION  
10 25-4-1614 (2)(e).

11 **SECTION 8. Effective date.** This act takes effect upon passage;  
12 except that section 25-4-1614, Colorado Revised Statutes, as amended in  
13 section 2 of this act, and section 35-36-102, Colorado Revised Statutes,  
14 as amended in section 6 of this act, take effect January 1, 2027.

15 **SECTION 9. Safety clause.** The general assembly finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety or for appropriations for  
18 the support and maintenance of the departments of the state and state  
19 institutions.