

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**

**HOUSE SPONSORSHIP**

**Gonzalez R. and Duran**, Caldwell, Lindsay, Martinez, Mauro, Nguyen, Richardson, Ricks, Rutinel, Winter T.

**SENATE SPONSORSHIP**

**Rodriguez and Pelton B.**,

**House Committees**

Agriculture, Water & Natural Resources  
Appropriations

**Senate Committees**

Agriculture & Natural Resources  
Finance

**A BILL FOR AN ACT**

101 **CONCERNING EXPANDING THE SCOPE OF THE "COLORADO COTTAGE**  
102 **FOODS ACT", AND, IN CONNECTION THEREWITH, MAKING AN**  
103 **APPROPRIATION.**

**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

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.*

HOUSE  
Amended 3rd Reading  
April 30, 2026

HOUSE  
Amended 2nd Reading  
April 29, 2026

temperature control and acquire and maintain proof of course completion.

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.

---

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), (7), (8), (9)(b), and (9)(c)  
6 introductory portion; **and add** (8.5) **\_\_\_** as follows:

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

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 ONE TYPE OF FOOD PRODUCT THAT REQUIRES TIME AND

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

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

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

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

1     SECTION:

2             (A) HAS BEEN FEDERALLY INSPECTED AND BEARS THE MARK OF  
3     INSPECTION; OR

4             (B) SATISFIES AN EXEMPTION FROM INSPECTION, SUCH AS A  
5     FEDERAL OR STATE EXEMPTION FOR A POULTRY PRODUCER.

6             (II) ~~A person may sell whole eggs under this section; except that~~  
7     ~~a person may not sell more than two hundred fifty dozen whole eggs per~~  
8     ~~month under this section. A person selling whole eggs must meet the~~  
9     ~~requirements of section 35-21-105, C.R.S.~~ IF A FOOD PRODUCT REQUIRES  
10    TIME AND TEMPERATURE CONTROL FOR SAFETY, THE PRODUCER SHALL  
11    FOLLOW ALL COOKING, COOLING, AND HOLDING TEMPERATURES AS  
12    SPECIFIED IN RULES ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION  
13    25-4-1604 (1)(b) TO PROTECT FOOD SAFETY UNTIL THE TIME OF SALE.

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

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

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

1 any additional classes if necessary.

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

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

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

26 (II) The producer's name, DEPARTMENT-ISSUED REGISTRATION  
27 NUMBER, the ~~address at~~ COUNTY IN which the food was prepared, and the

1 producer's current telephone number or electronic mail address;

2 (4) (a) A food product produced pursuant to this section is subject  
3 to food sampling and inspection by the department or a county, district,  
4 or regional health agency pursuant to section 25-5-406 if it is determined  
5 that the food product is misbranded pursuant to subsection (3) of this  
6 section or if a consumer complaint has been received or if the product is  
7 suspected in an injury or food-borne illness outbreak.

8 (b) IF A CONSUMER COMPLAINT OF FOOD-BORNE ILLNESS HAS BEEN  
9 RECEIVED, OR IF A PRODUCT IS SUSPECTED IN AN INJURY OR FOOD-BORNE  
10 ILLNESS OUTBREAK, THE DEPARTMENT OR A COUNTY, DISTRICT, OR  
11 REGIONAL HEALTH AGENCY MAY IMPLEMENT LOCAL RESPONSE  
12 PROCEDURES, INCLUDING CORRECTIVE ACTION PLANS, ADDITIONAL FOOD  
13 SAMPLING TESTS, AND ADDITIONAL TRAINING REQUIREMENTS FOR THE  
14 PRODUCER. THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL  
15 HEALTH AGENCY MAY CHARGE A PRODUCER ONLY THE DIRECT COSTS  
16 INCURRED UNDER THIS SUBSECTION (4)(b).

17 (c) IF THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL  
18 HEALTH AGENCY INSPECTS A FOOD PRODUCT PRODUCED PURSUANT TO  
19 THIS SECTION AND DETERMINES THAT THE FOOD PRODUCT IS MISBRANDED  
20 OR MAY CAUSE AN INJURY OR FOOD-BORNE ILLNESS OUTBREAK, THE  
21 DEPARTMENT OR HEALTH AGENCY MAY:

22 (I) IMPOSE A FINE FOR A VIOLATION OF THIS SECTION, WHICH FINE  
23 MUST NOT EXCEED A TOTAL OF ONE HUNDRED DOLLARS FOR THE  
24 VIOLATION; AND

25 (II) RECOVER FROM THE PRODUCER THE COST OF THE  
26 INVESTIGATION OR INSPECTION, WHICH COST MUST NOT EXCEED ONE  
27 THOUSAND DOLLARS.

1           (d) IF THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL  
2 HEALTH AGENCY DETERMINES THAT, ON THREE SEPARATE OCCASIONS  
3 WITHIN TWELVE MONTHS, A PRODUCER HAS MISBRANDED FOOD THAT  
4 REQUIRES TIME AND TEMPERATURE CONTROL FOR SAFETY OR FAILED TO  
5 COMPLY WITH REQUIREMENTS RELATED TO FOOD THAT REQUIRES TIME  
6 AND TEMPERATURE CONTROL FOR SAFETY, THE PRODUCER SHALL NOT  
7 SELL FOODS THAT REQUIRE TIME AND TEMPERATURE CONTROL PURSUANT  
8 TO THIS SECTION.

9           (7) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(II) OF THIS SECTION,  
10 SECTIONS 25-4-1604 TO 25-4-1613 DO NOT APPLY TO THIS SECTION.

11           (8) (a) A PRODUCER SHALL REGISTER WITH THE DEPARTMENT  
12 BEFORE SELLING ANY FOOD UNDER THIS SECTION. THE REGISTRATION  
13 MUST INDICATE THE TYPES OF FOOD THE PRODUCER ANTICIPATES SELLING  
14 UNDER THIS SECTION. THE DEPARTMENT SHALL ISSUE A REGISTRATION  
15 NUMBER TO EACH PRODUCER.

16           (b) ~~THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL HEALTH AGENCY~~  
17 ~~MAY~~ SHALL CREATE A ~~VOLUNTARY~~ AND MAINTAIN AN ELECTRONIC REGISTRY OF  
18 ~~PRODUCERS, IF IT DETERMINES THAT A REGISTRY WOULD BE OF VALUE TO PRODUCERS~~  
19 ~~AND CONSUMERS~~ UPDATE THE REGISTRY ANNUALLY, SHARE THE REGISTRY  
20 WITH EACH COUNTY OR DISTRICT PUBLIC HEALTH AGENCY, AND MAKE THE  
21 REGISTRY AVAILABLE ON THE DEPARTMENT'S PUBLIC-FACING WEBSITE.

22           (8.5) THIS SECTION DOES NOT APPLY TO THE SALE OF RAW MILK;  
23 LOW-ACID CANNED FOOD PRODUCTS; FERMENTED OR ACIDIFIED FOOD  
24 PRODUCTS THAT REQUIRE TIME AND TEMPERATURE CONTROL FOR SAFETY;  
25 FOOD PRODUCTS THAT ARE ALCOHOL BEVERAGES OR THAT CONTAIN  
26 CANNABINOIDS; OR FOOD PRODUCTS THAT ARE PRODUCED WITH SMOKING  
27 USED AS A PRESERVATION METHOD AND NOT FOR FLAVOR, REDUCED

1 OXYGEN PROCESSING, OR CURING.

2 (9) As used in this section:

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

6 (c) "Producer" means a person ~~who~~ THAT prepares ~~nonpotentially~~  
7 ~~hazardous~~ foods in a home kitchen or similar venue for sale directly to  
8 consumers pursuant to this section and includes that person's designated  
9 representative. A producer may only be:

10

==

11 **SECTION 3.** In Colorado Revised Statutes, **add 25-4-1614.5** as  
12 follows:

13 **25-4-1614.5. Cottage foods cash fund created.**

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

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

23 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-303, **add**  
24 (5)(e) as follows:

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

27 (5) (e) (I) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION,

1 ON JULY 1, 2026, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED  
2 THOUSAND DOLLARS FROM THE MEDICATION ADMINISTRATION CASH FUND  
3 CREATED IN SUBSECTION (5)(a) OF THIS SECTION TO THE COTTAGE FOODS  
4 CASH FUND CREATED IN SECTION 25-4-1614.5.

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

6 **SECTION 5.** In Colorado Revised Statutes, 25-27-107.5, **add** (3)  
7 as follows:

8 **25-27-107.5. Assisted living residence cash fund created -**  
9 **repeal.**

10 (3) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, ON  
11 JULY 1, 2026, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED  
12 THOUSAND DOLLARS FROM THE ASSISTED LIVING RESIDENCE CASH FUND  
13 CREATED IN SUBSECTION (1) OF THIS SECTION TO THE COTTAGE FOODS  
14 CASH FUND CREATED IN SECTION 25-4-1614.5.

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

16 **SECTION 6.** In Colorado Revised Statutes, 35-36-102, **amend**  
17 (8)(b)(II) and (12)(b)(II) as follows:

18 **35-36-102. Definitions.**

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

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

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

26 (12) (b) "Dealer" 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 **SECTION 7. Appropriation.** For the 2026-27 state fiscal year,  
6 \$119,354 is appropriated to the department of public health and  
7 environment for use by the division of environmental health and  
8 sustainability. This appropriation is from the cottage foods cash fund  
9 created in section 25-4-1614.5 (1), C.R.S., and is based on an assumption  
10 that the division will require an additional 1.0 FTE. To implement this  
11 act, the division may use this appropriation for the cottage foods program.

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

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