

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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
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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.

SENATE
Amended 2nd Reading
May 11, 2026

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), (3)(a)(IV), (4), (7), (8), (9)(b), and
6 (9)(c) introductory portion; **and add** (3)(a)(VI), (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 VARIATIONS
9 OF ONE FOOD PRODUCT THAT REQUIRES TIME AND TEMPERATURE CONTROL
10 FOR SAFETY AT ANY GIVEN TIME. THE PRODUCER MUST PACKAGE FOOD
11 PRODUCTS REQUIRING TIME AND TEMPERATURE CONTROL IN THE
12 PRODUCER'S HOME KITCHEN OR A COMMERCIAL, PRIVATE, OR PUBLIC
13 KITCHEN.

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

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

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

1 MEAT OR MEAT PRODUCT USED IN THE PRODUCTION OF FOOD UNDER THIS
2 SECTION:

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

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

7 (II) ~~A person may sell whole eggs under this section; except that~~
8 ~~a person may not sell more than two hundred fifty dozen whole eggs per~~
9 ~~month under this section. A person selling whole eggs must meet the~~
10 ~~requirements of section 35-21-105, C.R.S. IF A FOOD PRODUCT REQUIRES~~
11 ~~TIME AND TEMPERATURE CONTROL FOR SAFETY, THE PRODUCER SHALL~~
12 ~~FOLLOW ALL COOKING, COOLING, AND HOLDING TEMPERATURES AS~~
13 ~~SPECIFIED IN RULES ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION~~
14 ~~25-4-1604 (1)(b) TO PROTECT FOOD SAFETY UNTIL THE TIME OF SALE.~~

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

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

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

1 standing in accordance with the course requirements, including attending
2 any additional classes if necessary.

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

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

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

27 (II) The producer's name, DEPARTMENT-ISSUED REGISTRATION

1 NUMBER, the address at COUNTY IN which the food was prepared, and the
2 producer's current telephone number or electronic mail address;

3 (IV) A complete list of ingredients; and

4 (VI) A WEBSITE ADDRESS PROVIDED BY THE DEPARTMENT THAT
5 INCLUDES CONTACT INFORMATION FOR CONSUMERS TO REPORT
6 FOOD-BORNE ILLNESSES, HOW TO VERIFY A PRODUCER'S ACTIVE
7 REGISTRATION, AND HOW TO REPORT ISSUES REGARDING A PRODUCER'S
8 REGISTRATION STATUS.

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

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

24 (c) IF THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL
25 HEALTH AGENCY INSPECTS A FOOD PRODUCT PRODUCED PURSUANT TO
26 THIS SECTION AND DETERMINES THAT THE FOOD PRODUCT IS MISBRANDED
27 OR MAY CAUSE AN INJURY OR FOOD-BORNE ILLNESS OUTBREAK, THE

1 DEPARTMENT OR HEALTH AGENCY MAY:

2 (I) IMPOSE A FINE FOR A VIOLATION OF THIS SECTION, WHICH FINE
3 MUST NOT EXCEED A TOTAL OF ONE HUNDRED DOLLARS FOR THE
4 VIOLATION; AND

5 (II) RECOVER FROM THE PRODUCER THE COST OF THE
6 INVESTIGATION OR INSPECTION, WHICH COST MUST NOT EXCEED ONE
7 THOUSAND DOLLARS.

8 (d) IF THE DEPARTMENT OR A COUNTY, DISTRICT, OR REGIONAL
9 HEALTH AGENCY DETERMINES THAT, ON THREE SEPARATE OCCASIONS
10 WITHIN TWELVE MONTHS, A PRODUCER HAS MISBRANDED FOOD THAT
11 REQUIRES TIME AND TEMPERATURE CONTROL FOR SAFETY OR FAILED TO
12 COMPLY WITH REQUIREMENTS RELATED TO FOOD THAT REQUIRES TIME
13 AND TEMPERATURE CONTROL FOR SAFETY, THE PRODUCER SHALL NOT
14 SELL FOODS THAT REQUIRE TIME AND TEMPERATURE CONTROL PURSUANT
15 TO THIS SECTION.

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

18 (8) (a) A PRODUCER SHALL ANNUALLY REGISTER WITH THE
19 DEPARTMENT BEFORE SELLING ANY FOOD UNDER THIS SECTION. THE
20 REGISTRATION MUST INDICATE THE TYPES OF FOOD THE PRODUCER
21 ANTICIPATES SELLING UNDER THIS SECTION. THE DEPARTMENT SHALL
22 ISSUE A REGISTRATION NUMBER TO EACH PRODUCER.

23 (b) ~~The department or a county, district, or regional health agency~~
24 ~~may~~ SHALL create a ~~voluntary~~ AND MAINTAIN AN electronic registry of
25 ~~producers, if it determines that a registry would be of value to producers~~
26 ~~and consumers~~ UPDATE THE REGISTRY MONTHLY, SHARE THE REGISTRY
27 WITH EACH COUNTY OR DISTRICT PUBLIC HEALTH AGENCY, AND MAKE THE

1 REGISTRY AVAILABLE ON THE DEPARTMENT'S PUBLIC-FACING WEBSITE.

2 (8.5) THIS SECTION DOES NOT APPLY TO THE SALE OF RAW MILK;
3 LOW-ACID CANNED FOOD PRODUCTS; FERMENTED OR ACIDIFIED FOOD
4 PRODUCTS THAT REQUIRE TIME AND TEMPERATURE CONTROL FOR SAFETY;
5 FOOD PRODUCTS THAT ARE ALCOHOL BEVERAGES OR THAT CONTAIN
6 CANNABINOIDS; OR FOOD PRODUCTS THAT ARE PRODUCED WITH SMOKING
7 USED AS A PRESERVATION METHOD AND NOT FOR FLAVOR, REDUCED
8 OXYGEN PROCESSING, OR CURING.

9 (9) As used in this section:

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

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

17 ==
18 **SECTION 3.** In Colorado Revised Statutes, **add 25-4-1614.5** as
19 follows:

20 **25-4-1614.5. Cottage foods cash fund created.**

21 (1) THE COTTAGE FOODS CASH FUND IS CREATED IN THE STATE
22 TREASURY. THE COTTAGE FOODS CASH FUND CONSISTS OF MONEY
23 CREDITED TO THE COTTAGE FOODS CASH FUND PURSUANT TO SECTIONS
24 25-1.5-303 (5)(e) AND 25-27-107.5 (3) AND ANY OTHER MONEY THAT THE
25 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE COTTAGE
26 FOODS CASH FUND.

27 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
2 COTTAGE FOODS CASH FUND TO THE COTTAGE FOODS CASH FUND.

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

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

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

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

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

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

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

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

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

25 **35-36-102. Definitions.**

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

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

1 (II) A producer as defined in the "Colorado Cottage Foods Act",
2 section 25-4-1614 (9)(c), ~~who~~ THAT earns ~~net~~ GROSS revenues of ~~ten~~
3 ~~thousand dollars or less per calendar year from the sale of each eligible~~
4 ~~food product~~ LESS THAN THE AMOUNT PERMITTED PURSUANT TO SECTION
5 25-4-1614 (2)(e).

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

7 (II) A producer as defined in the "Colorado Cottage Foods Act",
8 section 25-4-1614 (9)(c), ~~who~~ THAT earns ~~net~~ GROSS revenues of ~~ten~~
9 ~~thousand dollars or less per calendar year from the sale of each eligible~~
10 ~~food product~~ LESS THAN THE AMOUNT PERMITTED PURSUANT TO SECTION
11 25-4-1614 (2)(e).

12 **SECTION 7. Appropriation.** For the 2026-27 state fiscal year,
13 \$119,354 is appropriated to the department of public health and
14 environment for use by the division of environmental health and
15 sustainability. This appropriation is from the cottage foods cash fund
16 created in section 25-4-1614.5 (1), C.R.S., and is based on an assumption
17 that the division will require an additional 1.0 FTE. To implement this
18 act, the division may use this appropriation for the cottage foods program.

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

23 **SECTION 9. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.