

## CHAPTER 313

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**HEALTH AND ENVIRONMENT**

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## HOUSE BILL 15-1102

BY REPRESENTATIVE(S) Hamner and Willett, Becker K., Conti, Duran, Fields, Ginal, Kraft-Tharp, Lontine, Mitsch Bush, Pabon, Primavera, Rosenthal, Roupe, Vigil, Williams, Hullinghorst;  
also SENATOR(S) Donovan and Grantham, Baumgardner, Cooke, Guzman, Heath, Hodge, Kefalas, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Todd, Woods.

## AN ACT

CONCERNING THE EXPANSION OF THE "COLORADO COTTAGE FOODS ACT", AND, IN CONNECTION THEREWITH, INCREASING THE FOOD PRODUCTS A PRODUCER CAN SELL UNDER THE ACT, REQUIRING AN ADDITIONAL DISCLAIMER, AND MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 25-4-1614, **amend** (2) (b) (I) and (9) (b); and **add** (3) (c) and (10) as follows:

**25-4-1614. Home kitchens - exemption - food inspection - short title - definitions - rules.** (2) (b) (I) A producer is permitted under this section to sell only a limited range of foods that have been produced, processed, or packaged that are nonpotentially hazardous and do not require refrigeration. These foods are DIVIDED INTO TWO TIERS:

(A) TIER ONE FOODS ARE limited to spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, FLOUR, and baked goods, including candies, FRUIT EMPANADAS, AND TORTILLAS; AND

(B) TIER TWO FOODS ARE LIMITED TO PICKLED VEGETABLES THAT HAVE AN EQUILIBRIUM PH VALUE OF 4.6 OR LOWER.

(3) (c) A PRODUCER OPERATING UNDER THIS SECTION SHALL CONSPICUOUSLY DISPLAY A PLACARD, SIGN, OR CARD AT THE POINT OF SALE WITH THE FOLLOWING DISCLAIMER: "THIS PRODUCT WAS PRODUCED IN A HOME KITCHEN THAT IS NOT SUBJECT TO STATE LICENSURE OR INSPECTION. THIS PRODUCT IS NOT INTENDED FOR RESALE."

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(9) As used in this section:

(b) "Nonpotentially hazardous" has the meaning set forth in section 25-4-1602 (12). ~~and does not include low-acid or acidified foods.~~

(10) THE STATE BOARD OF HEALTH SHALL PROMULGATE RULES, INCLUDING ENFORCEMENT PROVISIONS, NECESSARY TO PROVIDE FOR THE PRODUCTION AND SALE OF TIER TWO FOODS.

**SECTION 2. Appropriation.** For the 2015-16 state fiscal year, \$120,982 is appropriated to the department of public health and environment for use by the division of environmental health and sustainability. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.4 FTE. To implement this act, the division may use this appropriation for the cottage foods program.

**SECTION 3. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: June 5, 2015