

MAR 10 2017

SENATE RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ALLOW COTTAGE
FOOD OPERATORS TO LEGALLY OPERATE IN THE STATE OF HAWAII.

1 WHEREAS, many states have cottage food laws and regulations
2 that govern home-based food production operations; and
3

4 WHEREAS, these laws and regulations allow a person to
5 prepare food products, including baked goods, jams, jellies,
6 preserves, chocolates, and spice rubs from the home kitchen of a
7 domestic residence and sell them directly to consumers; and
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9 WHEREAS, studies have been conducted across the United
10 States indicating minimal risk to the public associated with
11 cottage food operations, profits are reinvested in the local
12 community, and the operations serve as incubators for business
13 development; and
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15 WHEREAS, Hawaii is one of three states that does not
16 provide exemptions to allow cottage food operations to function
17 in the state legally; and
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19 WHEREAS, the establishment and implementation of Hawaii
20 Department of Health regulations on the cottage food industry
21 would allow cottage food operations to legally operate in the
22 State of Hawaii; now, therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-ninth
25 Legislature of the State of Hawaii, Regular Session of 2017,
26 that the Department of Health is urged to adopt and implement
27 rules on the cottage food industry to allow cottage food
28 operations to legally operate in the State of Hawaii; and
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30 BE IT FURTHER RESOLVED that the Department of Health is
31 urged to define a cottage food operation as those home-based
32 food production businesses that have an annual gross income of
33 \$50,000 or less; and
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35 BE IT FURTHER RESOLVED that the Department of Health is
36 urged to create a list of non-potentially hazardous foods



1 representative of the types of approved cottage food products to
2 be considered part of an approved cottage food products list and
3 to include:

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5 (1) Candy;
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7 (2) Canned jams and jellies;
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9 (3) Cereal, including granola;
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11 (4) Chocolate-covered nonperishable foods such as nuts and
12 dried fruit; and confections such as salted caramel,
13 fudge, marshmallows, marshmallow bars, hard candy, or
14 any combination thereof;
- 15
16 (5) Coated and uncoated nuts;
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18 (6) Dehydrated fruits and vegetables including dried
19 beans;
- 20
21 (7) Doughnuts or andagi;
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23 (8) Dried fruit;
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25 (9) Dried herbs or herb mixes;
- 26
27 (10) Dry mixes;
- 28
29 (11) Flat icing, buttercream frosting, buttercream icing,
30 buttercream fondant, and gum paste that does not
31 contain eggs, cream, or cream cheese;
- 32
33 (12) Fruit butters;
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35 (13) Fruit pies;
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37 (14) Ground chocolate;
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39 (15) Mochi;
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41 (16) Mustard;
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- (17) Pickles;
- (18) Poi;
- (19) Popcorn and popcorn snacks;
- (20) Roasted coffee or dry tea;
- (21) Shave ice;
- (22) Unroasted nut butters; and
- (23) Vinegar; and

BE IT FURTHER RESOLVED that the Department of Health is urged to prohibit cottage food operations from selling foods that require time and temperature control to limit pathogen growth or toxin production such as:

- (1) Foods that must be held under proper temperature controls, such as refrigeration, to prevent the growth of bacteria that may cause human illness; and
- (2) Foods that contain protein and moisture and is neutral or slightly acidic, such as meat, poultry, fish, and shellfish products, pasteurized and unpasteurized milk and dairy products, raw seed sprouts, baked goods that require refrigeration, including cream or custard pies or cakes, and ice products;

provided that if the final food product does not require time or temperature control it may be allowed for sale; and

BE IT FURTHER RESOLVED that the Department of Health is urged to require that:

- (1) A cottage food operation apply for a permit and pay a fee every two years;
- (2) Prior to obtaining its first permit, a cottage food operation successfully complete a basic food training program, which includes curriculum on food safety;



(3) The basic food training program include curriculum on how to properly package and label food; and

(4) Cottage food operations label each food item; and

BE IT FURTHER RESOLVED that the Department of Health is urged to require that food labels be legible and include:

(1) The name and physical address of where the cottage food was produced;

(2) The common or usual name of the food product;

(3) A list of ingredients, if a food is made with a major allergen such as eggs, nuts, soy, peanuts, milk, or wheat; and

(4) The following statement: "This food was made in a home kitchen and was not inspected by the Hawaii State Department of Health"; and

BE IT FURTHER RESOLVED that the Department of Health is urged to allow cottage food operators to sell food on the approved cottage food products list at the cottage operator's home, a farmer's market, a farm stand, or a municipal, county, or non-profit fair, festival, or event but not at privately sponsored public events, including craft fairs and flea markets; and

BE IT FURTHER RESOLVED that the Department of Health allow cottage food operators to have a website, Facebook page, Twitter account, and other social media accounts to promote their operation; provided that cottage food operators not be allowed to sell cottage food products through the internet; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Director of Health.

OFFERED BY:

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S.R. NO. 76

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