

Regular Session, 2013

SENATE BILL NO. 18

BY SENATOR WARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC HEALTH. Provides for cake and cookie products and preparation of cakes and cookies in home for public consumption. (8/1/13)

1 AN ACT
2 To enact R.S. 40:4.13, relative to cake and cookie products and the application of the state
3 Sanitary Code; to provide for preparation of cakes and cookies in home for public
4 consumption; to provide for annual registration with the Department of Health and
5 Hospitals; to provide for a public registry; to require a certificate from the National
6 Registry of Food Safety Professionals; to provide for penalties; and to provide for
7 related matters.
8 Be it enacted by the Legislature of Louisiana:
9 Section 1. R.S. 40:4.13 is hereby enacted to read as follows:
10 **§4.13. Cakes and cookies; preparation in home for public consumption; public**
11 **registry; certificate from the National Registry of Food Safety**
12 **Professionals; penalties**
13 **A. No provision of the state Sanitary Code or any provision of any other**
14 **law or regulation that requires any equipment, design, construction, utensils,**
15 **supplies, preparation, or services shall apply to the preparation of cakes and**
16 **cookies in the home for sale.**
17 **B. This Section shall not be construed to allow the sale or distribution**

1 **of any unwholesome food.**

2 **C. This Section shall not apply to any preparers of cakes and cookies**
3 **that are made at a home for sale whose gross annual sales equal fifty thousand**
4 **dollars or more.**

5 **D. (1) An individual qualifying under the provisions of this Section shall**
6 **register with the Department of Health and Hospitals on an annual basis.**

7 **(2) The Department of Health and Hospitals shall maintain an up-to-date**
8 **public registry on the department's website.**

9 **E. An individual selling cookies and cakes from home for sale to the**
10 **public shall be required to obtain a certificate from the National Registry of**
11 **Food Safety Professionals.**

12 **F. (1) It shall be a misdemeanor for an individual to fail to register as**
13 **required pursuant to this Section.**

14 **(2) Such misdemeanor shall be punishable upon conviction by a fine of**
15 **not less than one hundred dollars nor more than five hundred dollars.**

16 **(3) Such misdemeanor shall be prosecuted by the district attorney of the**
17 **judicial district in which the offender resides.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Ward (SB 18)

Proposed law provides no provision of the state sanitary code or any provision of any other law or regulation that requires any equipment, design, construction, utensils, supplies, preparation, or services will apply to the preparation of cakes and cookies in the home for sale.

Proposed law applies to any preparers of cakes and cookies that are made at a home for sale whose gross annual sales are less than \$50,000.

Proposed law provides any preparers of cakes and cookies that are made at a home for sale must register with the Department of Health and Hospitals.

Proposed law provides the department maintain an up-to-date registry on the department's website.

Proposed law provides any preparers of cakes and cookies that are made at a home for sale to the public are required to obtain a certificate from the National Registry of Food Safety Professionals.

Proposed law provides it is a misdemeanor for an individual to fail to register as required pursuant to the proposed law, and such misdemeanor is punishable upon conviction by a fine of not less than \$100 not greater than \$500.

Proposed law provides such misdemeanors shall be prosecuted by the district attorney of the judicial district in which the offender resides.

Effective August 1, 2013.

(Adds R.S. 40:4.13)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Removes the requirements that the Department of Revenue provide certain information to the Department of Health and Hospitals and removes requirement for promulgation of related rules and regulations.
2. Requires the individual register with DHH on an annual basis and that DHH maintain a registry on its website.
3. Requires an individual selling cakes and cookies from home to receive a certificate from the National Registry of Food Safety Professionals.
4. Provides penalties for failure to register.
5. Technical changes.