

**CONFERENCE COMMITTEE REPORT  
Senate Bill No. 18 By Senator Ward**

June 3, 2013

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 18 by Senator Ward, recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment No. 1 proposed by the House Committee on Health and Welfare and adopted by the House of Representatives on May 23, 2013, be adopted.
2. That Legislative Bureau Amendments Nos. 1, 2, 3, 4, and 5 proposed by the Legislative Bureau and adopted by the House of Representatives on May 23, 2013, be adopted.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 9, after "**establishment**" insert "**where the preparation and baking of such cakes and cookies take place**"

Respectfully submitted,

Senators:

Representatives:

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Senator Rick Ward, III

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Representative Katrina Jackson

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Senator "Jody" Amedee

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Representative Scott M. Simon

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Senator David Heitmeier

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Representative Karen Gaudet St.Germain

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

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## CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 18 by Senator Ward

### **Keyword and summary of the bill as proposed by the Conference Committee**

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

### **Report adopts House amendments to:**

1. Delete requirement that the Dept. of Revenue provide to the Dept. of Health and Hospitals the names of all preparers of jellies, preserves, jams, honey, and honeycomb products which are made at home for sale, whose gross annual sales equal \$5,000 or more.

### **Report amends the bill to:**

1. Provide domestic pets are to be excluded from any part of the establishment where the preparation and baking of such cakes and cookies take place.

### **Digest of the bill as proposed by the Conference Committee**

Present law provides that the state Sanitary Code or any code, law or regulation that requires that any equipment, design, construction, utensils, supplies, preparation, or services does not apply to the preparation of jellies, preserves, jams, honey, and honeycomb products in the home for sale. Proposed law applies application of present law to cakes and cookies.

Proposed law does not apply to any preparer of cakes and cookies who employs any individual to assist in the preparation of cakes and cookies in the home for sale.

Present law does not apply to any preparers of jellies, preserves, jams, honey and honeycomb products made at home for sale whose gross annual sales equal \$5,000 or more.

Proposed law does not apply to preparers of jellies, preserves, jams, honey, honeycomb products, cakes and cookies made at home for sale whose gross annual sales equal \$20,000 or more.

Proposed law requires that the following provisions of the state Sanitary Code apply to the preparation of cakes and cookies in the home for sale:

- (1) All outside openings are to be protected against flies and other vermin.
- (2) The building is to be constructed so as to exclude rats, mice, roaches or other vermin and domestic pets are to be excluded from any part of the establishment where the preparation and baking of such cakes and cookies takes place.
- (3) Requires that all equipment used or connected in any way with the manufacture, baking, cooking or other processing, handling, packing or storing of any bakery or confectionery product shall comply with the following requirements:
  - (a) Be maintained in a clean and sanitary manner, be free from cracks and wherever possible, be of non-corroding metal or other smooth, impervious material giving an easily cleanable surface. All stationary or not readily movable equipment is to be installed to provide for easy cleaning.
  - (b) Refrigeration is to be provided so that all perishable food products used in the manufacturer processing of any kind connected with the production,

distribution or sale of bakery or confectionery products are maintained at a temperature not to exceed 45°F.

- (c) Equipment too large to permit washing in the sinks is to be cleaned in a manner approved by the state health officer.
  - (d) All barrels, boxes, tubs, pails, kneading troughs, machines, racks, pans or other receptacles used for holding materials from which bakery or confectionery products are manufactured are to be kept clean and sanitary and be so constructed as to be easily cleanable.
  - (e) All food contact surfaces are to be cleaned and sanitized after each day's production.
- (4) Requires that only pasteurized milk or milk products be used in the preparation of custard and cream-filled bakery products.
  - (5) Requires that all custard or cream-filled mixtures be cooked, the temperature and time of heating of the mix, to be at a minimum, the equivalent of a temperature of 145°F for a period of not less than 30 minutes.
  - (6) Requires that, upon completion of the cooking of the mix, the mix is to be immediately transferred into previously sanitized containers, properly covered and chilled as rapidly as possible to 45°F or below and maintained at such a temperature until used.
  - (7) Requires that the apparatus and food contact surfaces used in adding any custard or cream filling to a bakery product be of impervious material and be thoroughly cleaned and sanitized after each use, in a manner approved by the state health officer. Prohibits the use of cloth filled bags.
  - (8) Requires that preparers engaged in the preparation of custard or cream-filled bakery products not touch the custard or cream filling with their hands after it has been cooked.

Proposed law provides that an individual selling cookies and cakes from the home for sale to the public under proposed law not sell cakes and cookies to any retail business or individual for resale.

Proposed law deletes present law requiring the Dept. of Revenue to provide to the Dept. of Health and Hospitals the names of all preparers of jellies, preserves, jams, honey, and honeycomb products which are made at home for sale, whose gross annual sales equal \$5,000 or more.

Effective August 1, 2013.

(Amends R.S. 40:4.9)