

Regular Session, 2014

HOUSE BILL NO. 216

BY REPRESENTATIVE SCHRODER

PUBLIC HEALTH: Provides for preparation of pies in the home for public consumption

1 AN ACT

2 To amend and reenact R.S. 40:4.9(A)(1), (2)(introductory paragraph), (b), and (c)(ii), (B),  
3 and (C) and to enact R.S. 40:4.9(D), relative to certain food products prepared in the  
4 home for public consumption; to provide for application of the state Sanitary Code;  
5 to provide for regulations concerning preparation of pies in the home for sale; to  
6 provide for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:4.9(A)(1), (2)(introductory paragraph), (b), and (c)(ii), (B), and  
9 (C) are hereby amended and reenacted and R.S. 40:4.9(D) is hereby enacted to read as  
10 follows:

11 §4.9. Jellies, preserves, jams, honey, honeycomb products, cakes, ~~and cookies, and~~  
12 pies; preparation in home for public consumption

13 A.(1)(a) ~~No~~ Except as provided in Paragraph (2) of this Subsection, no  
14 provision of the state Sanitary Code or any provision of any other law or regulation  
15 that requires any equipment, design, construction, utensils, supplies, preparation, or  
16 services shall apply to the preparation of jellies, preserves, jams, honey, honeycomb  
17 products, cakes, ~~and cookies, or pies~~ in the home for sale.

18 (b) This Section shall not be construed to allow the sale or distribution of any  
19 unwholesome food.



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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Schroder

HB No. 216

**Abstract:** Provides a conditional exception from Sanitary Code requirements and other regulations to apply to preparation of pies in the home for public consumption.

Present law provides that neither the state Sanitary Code nor any code, law, or regulation providing requirements relative to commercial food preparation shall apply to the preparation of jellies, preserves, jams, honey, or honeycomb products in the home for sale. Provides that such general exception also applies to home-based preparers of cakes and cookies; however, subjects preparers of cakes and cookies to certain specific food preparation requirements. Provides further that the general exception to food preparation regulations shall not apply to any home-based food preparer whose gross annual sales equal \$20,000 or more.

Proposed law retains present law and extends application of the general exception to food preparation regulations provided therein to home-based preparers of pies for sale, and subjects home-based preparers of pies to the same specific food preparation requirements provided in present law for home-based preparers of cakes and cookies.

Present law provides that the general exception to food preparation regulations provided therein shall not apply to any preparer of cakes and cookies who employs an individual to assist in the preparation of such food products. Proposed law retains present law and adds stipulation that preparers of pies who similarly employ an individual shall not qualify for the exception to food preparation regulations.

Present law provides that no preparer of cakes or cookies to which present law applies shall sell such food products to any retail business or individual for resale. Proposed law retains present law and extends prohibition on selling food products for resale to home-based preparers of pies.

Proposed law extends to home-based preparers of pies all of the following specific requirements relative to the food preparation facility and procedures provided in present law for preparers of cakes and cookies:

- (1) All outside openings of the building shall be protected against flies and other vermin.
- (2) The building shall be constructed so as to exclude rats, mice, roaches, or other vermin. Domestic pets shall be excluded in any part of the establishment where the preparation and baking of food products takes place.
- (3) 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:
  - (a) Be maintained in a clean and sanitary manner, be free from cracks, and, wherever possible, be composed of non-corroding metal or other smooth, impervious material giving an easily cleanable surface. Stationary or not readily-movable equipment shall be so installed as to provide for easy cleaning.

- (b) Refrigeration shall 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 shall be maintained at a temperature not to exceed 41 degrees Fahrenheit.
  - (c) Equipment too large to permit washing in the sinks shall 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 shall be kept clean and sanitary and shall be so constructed as to be easily cleanable.
  - (e) All food contact surfaces shall be cleaned and sanitized after each day's production.
- (4) Only pasteurized milk or milk products shall be used in the preparation of custard and cream-filled bakery products.
  - (5) All custard or cream-filled mixtures shall be cooked, the temperature and time of heating of the mix, to be at a minimum, the equivalent of a temperature of one hundred 45 degrees Fahrenheit for a period of not less than thirty minutes.
  - (6) Upon completion of the cooking of the mix, it shall be immediately transferred into previously sanitized containers, properly covered and chilled as rapidly as possible to 45 degrees Fahrenheit or below and maintained at such a temperature until used.
  - (7) The apparatus and food contact surfaces used in adding any custard or cream filling to a bakery product shall be of impervious material and shall be thoroughly cleaned and sanitized after each use, in a manner approved by the state health officer. No cloth filled bags shall be used.

Proposed law provides that the term "pies" shall not include any food or food product containing animal proteins or fish proteins.

(Amends R.S. 40:4.9(A)(1), (2)(intro. para.), (b), and (c)(ii), (B), and (C); Adds R.S. 40:4.9(D))

#### Summary of Amendments Adopted by House

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

1. Changed temperature at which bakery or confectionery products shall be maintained from 45 degrees Fahrenheit to 41 degrees Fahrenheit.
2. Provided that the term "pies" shall not include any food or food product containing animal proteins or fish proteins.