

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 216** HLS 14RS 862  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 28, 2014 12:59 PM	<b>Author:</b> SCHRODER
<b>Dept./Agy.:</b> Health and Hospitals	<b>Analyst:</b> Patrice Thomas
<b>Subject:</b> Application of Sanitary Code to Home Prepared Pie Products	

PUBLIC HEALTH REF SEE FISC NOTE See Note Page 1 of 1  
 Provides for preparation of pies in the home for public consumption

Present law restricts the state Sanitary Code and any commercial food preparation code, law, or regulation from applying to the preparation of jellies, preserves, jams, honey, honeycomb products, cakes, and cookies by home-based preparers in their home for sale as long as gross annual sales are less than \$20,000. Proposed law expands present law to include home-based preparers of pies. Proposed law provides that the term "pie" shall not include any food or food product containing animal proteins or fish proteins other than egg or dairy products.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

REVENUES	2014-15	2015-16	2016-17	2017-18	2018-19	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure. The proposed legislation exempts home preparers of pies from the requirements of the state Sanitary Code. Presently, the Office of Public Health (OPH) within the Department of Health and Hospitals (DHH) performs retail food inspections of businesses applying for a retail food permit, however OPH does not perform inspections of personal residences.

**REVENUE EXPLANATION**

It is anticipated that self-generated revenues within OPH will decrease by an indeterminable amount as a result of this legislation. OPH would lose all revenues associated with home-based preparers of pies listed in proposed law (R.S. 40:4.9) relative to permitting fees and penalties. The current permitting fee for retail food establishments is \$100. The current maximum civil fine for violations of the Sanitary Code relative to food preparation is \$100 per day per violation; however, there is a penalty cap of \$10,000 per year relative to the assessment of civil fines.

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|-----------------------------------------------------------------------------|----------------------------|--------------|--------------------------------------------------------------------------------------------|
| <u>Senate</u>                                                               | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       |                            |              | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}                  |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} |                            |              | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

**John D. Carpenter**  
**Legislative Fiscal Officer**