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## DIGEST

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HB 150 Original

2025 Regular Session

Coates

**Abstract:** Provides for the production and sale of homemade food to consumers and retailers.

Present law states that an individual may sell and produce low-risk food made and packaged in the individual's home.

Present law authorizes the production and sale of homemade food that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Proposed law changes present law by changing the term "low-risk foods" to "non-potentially hazardous food" and creating the term "potentially hazardous food".

Proposed law defines "homemade food" as food that is produced and packaged at home.

Proposed law defines "non-potentially hazardous food" as homemade food that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Proposed law defines "potentially hazardous food" as homemade food that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Proposed law modifies present law by expanding the types of homemade food that may be sold and removing specific references to custards, pies, cakes, and cookies.

Present law states that provisions of the Sanitary Code or any other law or regulation that governs food production except for present law shall apply to the production and sale of homemade food.

Proposed law retains present law.

Present law provides that a preparer of homemade food for sale shall maintain food production areas and equipment in a clean sanitary manner.

Proposed law retains present law.

Present law requires a preparer of homemade food to exclude pets from any part of the residence where homemade food items are prepared.

Proposed law modifies present law stating that a preparer of homemade food must exclude pets from any part of the residence where homemade food items are prepared while the food item is being

prepared.

Proposed law states that a homemade food may be sold in person or remotely via the internet or telephone.

Present law requires a homemade food preparer to use only pasturized milk products when preparing homemade food for sale.

Proposed law retains present law.

Present law requires a homemade food preparer to label clearly stating that the homemade food for sale was not produced in a licensed or regulated facility.

Proposed law retains present law and adds that a homemade food preparer shall include on the label the preparer's name, address, and telephone number and the ingredients, in descending order of predominance, of the homemade food.

Present law creates an exception to the labeling requirement for raw honey offered for sale if the honey is not pasteurized, filtered, or otherwise processed to remove natural pollen contained in the honey.

Proposed law retains present law.

Present law prohibits a preparer from selling a homemade food if it contains cannabidiol or tetrahydrocannabinol.

Proposed law retains present law.

Present law prohibits an individual from selling a homemade food unless he registers to collect any applicable sales or use tax, as evidenced by a current sales tax certificate issued to the seller by the sales and use tax collector for the parish in which the sales occur.

Proposed law modifies present law by prohibiting an individual from selling homemade food unless he collects any applicable sales or use tax.

Present law states that present law shall not apply to a homemade food preparer whose gross annual sales of homemade food equals \$30,000 or more.

Proposed law repeals present law.

Proposed law establishes requirements for delivering potentially hazardous food including delivery and time limitations in order to promote safe food handling.

Proposed law states that a preparer of potentially hazardous food shall not sell a potentially hazardous food to an individual or retailer for resale.

Proposed law states that a preparer of non-potentially hazardous food may sell and ship a non-potentially hazardous food to an individual or retailer for resale.

Present law provides an illustrative list of low-risk foods.

Proposed law expands the illustrative list of non-potentially hazardous foods.

Proposed law establishes a warning followed by a \$100 penalty issued by the La. Dept. of Health (LDH) for violating proposed law.

Proposed law states that proposed law shall not interfere with LDH's authority to investigate and respond to a report of foodborne illness, including issuing an order to a preparer to cease selling food that is unwholesome.

(Adds R.S. 40:4.13; Repeals R.S. 40:4.9)