

2025 Regular Session

HOUSE BILL NO. 150

BY REPRESENTATIVES COATES AND DICKERSON AND SENATOR MIZELL

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

SMALL BUSINESS: Provides for the production of homemade food for sale to the public

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AN ACT

To amend and reenact R.S. 40:4.9(B) and to enact R.S. 40:4.13, relative to the production of homemade food for sale to the public; to provide for definitions; to create an exemption to licensing requirements for certain food producers; to establish categories of farm food products based on temperature and safety requirements; to establish labeling requirements for farm food products; to provide for the collection of taxes; to provide for income limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:4.9(B) is hereby amended and reenacted and R.S. 40:4.13 is hereby enacted to read as follows:

§4.9. Low-risk foods; preparation in home for public consumption

\* \* \*

B. This Section shall not apply to any preparer of low-risk foods made at a home for sale, whose gross annual sales equal ~~thirty thousand~~ one hundred fifty thousand dollars or more.

\* \* \*

1        §4.13. Farm food production; requirements

2                A. As used in this Section, the following definitions apply:

3                    (1) "Farm food product" means any homemade or home-grown food that is  
4                    cooked, baked, preserved, acidified, fermented, or dehydrated and, if packaged,  
5                    packaged at the residential farm of the preparer.

6                    (2) "Non-potentially hazardous food" means a farm food product that does  
7                    not require time or temperature control for safety to limit pathogenic microorganism  
8                    growth or toxin formation.

9                    (3) "Potentially hazardous food" means a farm food product that requires  
10                   time or temperature control for safety to limit pathogenic microorganism growth or  
11                   toxin formation or consists of animal muscle protein or fish protein.

12                   (4) "Residential farm" means a farm food product preparer's residence where  
13                   farm food products are grown, raised, or processed. To be considered a residential  
14                   farm, the preparer's farm shall be registered with the United States Department of  
15                   Agriculture and have a Farm Service Agency number identifying the farm.

16                   B. No provision of the state Sanitary Code or any provision of any other law  
17                   or regulation that requires any equipment, design, construction, utensils, supplies,  
18                   preparation, or services shall apply to the preparation and sale of a farm food product  
19                   except as provided for in this Section.

20                   C. A preparer of a farm food product, which includes potentially and non-  
21                   potentially hazardous foods, shall adhere to all of the following requirements:

22                    (1) A preparer shall label any farm food product offered for sale. The label  
23                    shall contain all of the following:

24                    (a) A statement that the farm food product is exempt from state licensing and  
25                    inspection.

26                    (b) The name, address, and telephone number of the preparer.

27                    (c) The ingredients of the farm food product in descending order of  
28                    predominance.

1           (2) A preparer shall only use pasteurized milk or pasteurized milk products  
2           in the preparation of a potentially hazardous food.

3           (3) A preparer shall maintain cooking and production areas used to produce  
4           a farm food product in a clean and sanitary manner.

5           (4) A preparer shall ensure cooking and production areas are free from  
6           domestic pets while preparing a farm food product.

7           (5) A preparer shall maintain all equipment used or connected with the  
8           producing, storing, or processing of a farm food product in a clean and sanitary  
9           manner, free from any cracks and, wherever possible, be composed of a non-  
10          corroding metal, or other smooth, impervious material. Stationary or non-readily  
11          movable equipment shall be installed in a manner that allows for easy cleaning.

12          (6) A preparer shall not sell any farm food product containing cannabidiol  
13          or tetrahydrocannabinol.

14          (7) A preparer shall not sell a farm food product unless the individual is  
15          registered to collect any local sales and use taxes that are applicable to the sale of a  
16          farm food product. As evidence of registration, the preparer shall possess a current  
17          sales tax certificate issued to the preparer by the sales and use tax collector for the  
18          parish in which the sales occur.

19          (8) A preparer shall own a farm that is registered with the United States  
20          Department of Agriculture as evidenced by a Farm Service Agency number.

21          D. A preparer of potentially hazardous food shall adhere to all of the  
22          following additional requirements:

23                 (1) A preparer or an employee of a preparer shall deliver a potentially  
24                 hazardous food directly to the consumer at the preparer's farm or a farmer's market.

25                 (2)(a) If a potentially hazardous food requires transportation prior to delivery  
26                 to the consumer, the preparer shall maintain the potentially hazardous food at an  
27                 appropriate temperature during transport to maintain food safety.

28                 (b) A preparer shall not transport a potentially hazardous food more than  
29                 once or for a period of time longer than two hours.

1           E. A preparer of non-potentially hazardous foods may sell a non-potentially  
 2           hazardous food directly to a consumer on the preparer's farm or at a farmer's market.

3           F. Nothing in this Section shall interfere with the Louisiana Department of  
 4           Health's authority to investigate and respond to a report of foodborne illness,  
 5           including issuing an order to a preparer to cease selling food that is unwholesome.

6           G. This Section shall not apply to any preparer of a farm food product whose  
 7           gross annual sales of farm food products equal fifty thousand dollars or more.

### 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)]

HB 150 Reengrossed

2025 Regular Session

Coates

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

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

Present law provides that there is an exception to the sanitary code and other provisions of present law for the production of low-risk foods if the preparer's gross sales are less than \$30,000.

Proposed law changes present law by increasing the amount of allowed gross sales to less than \$150,000.

Proposed law defines "farm food product" as a homemade or home-grown food that is cooked, baked, preserved, acidified, fermented, or dehydrated and, if packaged, packaged at the residential farm of the preparer.

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

Proposed law provides that a farm food products preparer must have an identification number from the United States Department of Agriculture in order to sell a farm food products.

Present law states that provisions of the Sanitary Code and present law govern the sale of food to the public.

Proposed law creates an exception for farm food products sold by a farm food products preparer as long as the preparer generates less than \$50,000 in gross sales of farm food products.

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

Proposed law stating that a preparer of farm food products must exclude pets from any part of the residence where farm food products are prepared while a product is being prepared.

Proposed law states that a farm food product may be sold in-person at the preparer's residential farm or a farmer's market.

Present law requires a farm food product preparer to use only pasteurized milk and pasteurized milk products when preparing farm food products for sale.

Proposed law retains present law.

Present law requires a farm food product preparer to label farm food products and clearly state all of the following:

- (1) The farm food product for sale is exempt from state licensing and inspection.
- (2) The preparer's name, address, and telephone number.
- (3) The ingredients, in descending order of predominance, of the farm food product.

Proposed law prohibits a preparer from selling a farm food product if it contains cannabidiol or tetrahydrocannabinol.

Proposed law prohibits an individual from selling a farm food product 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 shall not apply to a farm food product preparer whose gross annual sales of farm food product equal \$50,000 or more.

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 proposed law shall not interfere with the La. Dept. of Health'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.

(Amends R.S. 40:4.9(B); Adds R.S. 40:4.13)

#### Summary of Amendments Adopted by House

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

1. Change the term "homemade food" to "farm food product".
2. Limit the individuals authorized to sell farm food products to those who have a U.S. Dept. of Agriculture identification number.
3. Clarify that farm food product preparers are required to obtain a tax certificate and pay taxes on the sale of farm food products.
4. Provide that a farm food product preparer may sell products directly to consumers at the preparer's farm or a farmer's market.

5. Establish that proposed law shall not apply to farm food product preparers who exceed \$50,000 in gross sales of farm food products.
6. Remove language that would have repealed present law relative to homemade food.

The House Floor Amendments to the engrossed bill:

1. Increase the gross sales cap for low-risk foods from \$30,000 to \$150,000.
2. Make technical changes.