

JAN 18 2013

S.B. NO. 367

A BILL FOR AN ACT

RELATING TO HOME-BASED BAKING BUSINESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many states have
2 cottage food laws that govern food production businesses
3 operating out of people's homes. These laws allow a person to
4 prepare food, usually baked goods, from their personal kitchen
5 and sell them directly to consumers.

6 The legislature finds that only a few states, including
7 Hawaii, do not have some type of cottage food law. The purpose
8 of this Act is to allow home-based baking businesses to sell
9 food items directly to consumers if certain conditions are met.

10 SECTION 2. Chapter 328, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§328- Home-based baking business; exemptions. (a) For
14 the purposes of this section, "home-based baking business" means
15 an individual, operating out of the individual's dwelling, who
16 prepares, processes, packages, stores, handles, and distributes
17 baked goods for sale directly to consumers, and whose net



1 earnings are more than \$ _____ but less than \$ _____ a
2 year.

3 (b) The operator of a home-based baking business shall not
4 be required to prepare or process baked goods in a certified
5 food processing establishment or be required to obtain a permit
6 from the department if the operator:

7 (1) Sells the baked goods directly to consumers;
8 (2) Takes all reasonable steps to protect the baked goods
9 intended for sale from contamination while preparing,
10 processing, packaging, storing, handling, and
11 distributing the items, including but not limited to:

12 (A) Maintaining direct supervision of any person,
13 other than the operator, engaged in the
14 processing, preparing, packaging, storing,
15 handling, or distribution of the baked goods
16 intended for sale;

17 (B) Prohibiting all animals from entering the area in
18 the dwelling in which the home-based baking
19 business is located while baked good items are
20 being processed, prepared, packaged, stored,
21 handled, or distributed, and prohibiting all
22 animals from having access to or coming into



1 contact with stored ingredients used for baking
2 and the baked goods intended for sale;

3 (C) Prohibiting all domestic activities in the
4 kitchen while the home-based food baking business
5 is processing, preparing, packaging, handling, or
6 distributing any baked goods intended for sale;

7 (D) Prohibiting any person who is infected with a
8 communicable disease, who is a carrier of
9 organisms that can cause a communicable disease,
10 who has an infected wound, or who has an acute
11 respiratory infection from processing, preparing,
12 packaging, handling, or distributing any baked
13 goods intended for sale; and

14 (E) Ensuring that all individuals engaged in
15 processing, preparing, packaging, handling, or
16 distributing any baked goods intended for sale by
17 the home-based baking business are knowledgeable
18 about and follow safe food handling practices;

19 (3) Maintains a clean and sanitary facility, including but
20 not limited to having:

21 (A) Access to a municipal water source and proper
22 sewage disposal;



- 1 (B) Adequate hand washing facilities;
- 2 (C) A separate storage place for all ingredients used
- 3 in processing or preparing any baked goods
- 4 intended for sale;
- 5 (D) A properly functioning refrigeration unit;
- 6 (E) A properly functioning toilet facility;
- 7 (F) A sink with adequate hot water to clean and
- 8 sanitize all utensils and equipment used by the
- 9 home-based baking business;
- 10 (G) Adequate facilities for the storage of utensils
- 11 and equipment used by the home-based baking
- 12 business; and
- 13 (H) No evidence of insect or rodent activity;
- 14 (4) Labels all baked goods sold pursuant to this section
- 15 with the following:
- 16 (A) The name and address of the operator of the home-
- 17 based baking business;
- 18 (B) The names of the baked goods being sold;
- 19 (C) The date the baked goods were produced;
- 20 (D) The ingredients used to make the baked goods in
- 21 descending order of predominance by weight;



- 1 (E) The statement, "This product is home-produced and
- 2 processed." in clear and conspicuous print; and
- 3 (F) The statement, "This food product was not
- 4 produced or packaged in a department inspected
- 5 facility." in clear and conspicuous print; and
- 6 (5) Complies with all rules adopted by the department to
- 7 protect the health and safety of the public.
- 8 (c) The department shall adopt rules pursuant to chapter
- 9 91 to effectuate the purpose of this section no later than
- 10 December 31, 2013."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 367

Report Title:

Home-based Baking Businesses; Department of Health

Description:

Allows home-based baking businesses to sell food items directly to consumers if certain conditions are met. Requires the department of health to adopt rules pursuant to chapter 91, HRS, no later than December 31, 2013.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

