

# HOUSE BILL REPORT

## HB 1622

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### As Passed Legislature

**Title:** An act relating to expanding the products considered to be potentially nonhazardous as they apply to cottage food operations.

**Brief Description:** Expanding the products considered to be potentially nonhazardous as they apply to cottage food operations.

**Sponsors:** Representatives Young, Blake, Caldier, Scott, Shea and Takko.

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 2/4/15, 2/11/15 [DP].

#### Floor Activity:

Passed House: 3/3/15, 97-0.

Senate Amended.

Passed Senate: 4/13/15, 49-0.

House Concurred.

Passed House: 4/20/15, 95-0.

Passed Legislature.

### Brief Summary of Bill

- Specifically allows baked candies and candies made on a stovetop to be produced by a cottage food operation.
- Prohibits cottage food products from containing the active ingredients in cannabis.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 13 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

**Staff:** Jason Callahan (786-7117).

### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Washington State Department of Agriculture (WSDA) is authorized to adopt rules that allow for cottage food operations. Permitted cottage food operations are exempt from the state's commercial food service regulations and from licensing by public health jurisdictions. A cottage food operation is defined as a person who produces, in the kitchen of their domestic residence, a food that is not potentially hazardous.

Items that are expressly allowed to be sold by a cottage food operation, according to the rules adopted by the WSDA, include:

- baked good products that are cooked in an oven, such as loaf breads, rolls, biscuits, muffins, cakes, scones, cookies, crackers, cereals, trail mixes, candies that are cooked in an oven, certain pies, and nut mixes;
- standardized jams, jellies, preserves, and fruit butters;
- recombined and packaged dry herbs, seasoning, and mixtures that are obtained from approved sources; and
- flavored vinegars.

Potentially hazardous foods that are not allowed to be produced by a cottage food operator are those that require temperature control and are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms.

Examples of prohibited foods, as provided in the rules adopted by the WSDA, include:

- fresh or dried meat or meat products (including jerky);
- canned fruits, vegetables, vegetable butters, and salsas;
- fish or shellfish products;
- canned pickled products;
- raw seed sprouts;
- bakery goods which require any type of refrigeration;
- tempered or molded chocolate;
- milk and dairy products;
- cut fresh fruits or vegetables and products made from them;
- garlic in oil mixtures;
- juices made from fresh fruits or vegetables;
- ice or ice products;
- barbeque sauces, ketchups, or mustards; and
- focaccia-style breads with vegetables or cheeses.

### **Summary of Bill:**

The statutory list of allowable food products that may be sold by a cottage food operation is expanded to include both baked candies and candies made on a stovetop.

Cottage food products containing the active ingredient in cannabis are specifically prohibited.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The WSDA has approved over 100 cottage food producer's licenses allowing a secondary income for many families. There is an additional health risk created with stove top candies due to the increased incidences of hands touching the food; however, much of that risk can be addressed in rulemaking.

(Opposed) None.

**Persons Testifying:** Representative Young, prime sponsor; and Steve Fuller, Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** None.