

1 AN ACT relating to food products.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217.136 is amended to read as follows:

- 4 (1) A home-based processor shall be exempt from KRS 217.035, 217.037, and 217.125
5 if the following conditions are met:
- 6 (a) All finished product containers are clean, sanitary, and properly labeled
7 pursuant to subsection (3) of this section;
 - 8 (b) All home-processed foods produced under this exemption are neither
9 adulterated nor misbranded pursuant to subsection (4) of this section; and
 - 10 (c) All glass containers for jams, jellies, preserves, fruit butter, and similar
11 products are provided with suitable rigid metal covers.
- 12 (2) A home-based processor shall not produce or process for sale acid foods, acidified
13 food products, formulated acid food products, or low-acid canned foods.
- 14 (3) A home-based processor shall label each of its food products and include the
15 following information on the label of each of its food products:
- 16 (a) The name and address of the home-based processing operation;
 - 17 (b) The common or usual name of the food product;
 - 18 (c) The ingredients of the food product, in descending order of predominance by
19 weight;
 - 20 (d) The net weight and volume of the food product by standard measure, or
21 numerical count;
 - 22 (e) The following statement in ten (10) point type: "This product is home-
23 produced and processed"; and
 - 24 (f) The date the product was processed.
- 25 (4) Food products identified in KRS 217.015(56) and not labeled in accordance with
26 subsection (3) of this section are deemed misbranded.
- 27 (5) Food products identified in KRS 217.015(56) and produced, processed, and labeled

1 in accordance with subsection (3) of this section are acceptable food products that
2 may only be offered for sale directly to consumers within this state, including from
3 the home-based processor's home, whether by pick-up or delivery, at a market,
4 roadside stand, community event, or online. These food products may be used in
5 preparing and serving food.

6 (6) Food products identified in KRS 217.015(56) and labeled in accordance with
7 subsection (3) of this section shall not be required to be tested in determining
8 whether or not the food product is an acid food, acidified food product, formulated
9 acid food product, or low-acid food.

10 (7) The processing facilities of a home-based processor may be inspected annually by
11 the cabinet.

12 (8) A home-based processor shall be subject to food sampling and inspection if it is
13 determined that its food product is misbranded pursuant to subsection (4) of this
14 section or adulterated, or if a consumer complaint has been received.

15 (9) If the cabinet has reason to believe that an imminent health hazard exists it may
16 invoke cessation of production until it deems that the hazardous situation has been
17 addressed to the satisfaction of the cabinet.

18 **(10) The cabinet shall promulgate administrative regulations to further delineate**
19 **which food products are subject to the definition of home-based processor, as**
20 **defined in KRS 217.015(56).**

21 ➔Section 2. KRS 217.137 is amended to read as follows:

22 (1) The secretary shall promulgate administrative regulations to accommodate the
23 specific circumstances of home-based microprocessors. In order to protect public
24 health while encouraging the marketing of home-processed foods, the
25 administrative regulations shall include, at a minimum, standards for:

26 (a) Installation, design, location, and maintenance of toilet rooms;

27 (b) Installation and maintenance of hand-washing facilities;

- 1 (c) Manual and mechanical cleaning and sanitizing processes;
- 2 (d) Installation and location of equipment;
- 3 (e) Construction and covering of floors; and
- 4 (f) Construction, materials, and maintenance of walls and ceilings.
- 5 (2) Food products that are produced or processed by a home-based microprocessor and
- 6 in compliance with administrative regulations promulgated pursuant to subsection
- 7 (1) of this section are acceptable food products that may only be offered for sale by
- 8 farmers markets, certified roadside stands, or on the processor's farm. These food
- 9 products may be used in preparing and serving food.
- 10 **(3) The cabinet shall promulgate administrative regulations to further delineate**
- 11 **which food products are subject to the definition of home-based microprocessor,**
- 12 **as defined in KRS 217.015(57).**