

28 Section 1. Section **4-5-9.5** is amended to read:

29 **4-5-9.5. Cottage food production operations.**

30 (1) For purposes of this chapter:

31 (a) "Cottage food [~~production~~] operation" means a person[~~, who in the person's home,~~
32 ~~produces a food product that is not a potentially hazardous food or a food that requires~~
33 ~~time/temperature controls for safety] who produces a cottage food product in a home kitchen.~~

34 [~~(b) "Home" means a primary residence;~~

35 [~~(i) occupied by the individual who is operating a cottage food production operation;~~
36 ~~and]~~

37 [~~(ii) which contains;~~

38 [~~(A) a kitchen designed for common residential usage; and]~~

39 [~~(B) appliances designed for common residential usage.~~]

40 (b) "Cottage food product" means a ~~Ĥ~~→ **baked good that is:**

41 ~~—— (i) produced at a cottage food operation; and~~

42 ~~—— (ii) not a potentially hazardous food.~~ **non-potentially hazardous baked good, jam, jelly,**
42a **or other non-potentially hazardous food produced in a home kitchen.** ←Ĥ

43 (c) "Home kitchen" means a kitchen:

44 (i) designed and intended for use by the residents of a home; and

45 (ii) used by a resident of the home for the production of a cottage food product.

46 [~~(e)~~] (d) "Potentially hazardous food" [~~or "food that requires time/temperature controls~~
47 ~~for safety": (i) means a food] means:~~

48 (i) a food of animal origin;

49 (ii) raw seed sprouts; or

50 (iii) a food that requires time [and] or temperature control, or both, for safety to limit
51 pathogenic microorganism growth or toxin formation [and is in a form capable of supporting:],
52 as identified by the department in rule.

53 [~~(A) the rapid and progressive growth of infections or toxigenic microorganisms;~~]

54 [~~(B) the growth and toxin production of Clostridium botulinum; or]~~

55 [~~(C) in shell eggs, the growth of Salmonella enteritidis;~~]

56 [(ii) includes:]

57 [(A) an animal food;]

58 [(B) a food of animal origin that is raw or heat treated;]