

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0535.02 Yelana Love x2295

HOUSE BILL 26-1033

HOUSE SPONSORSHIP

Gonzalez R. and Duran,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EXPANDING THE SCOPE OF THE "COLORADO COTTAGE**
102 **FOODS ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill expands the "Colorado Cottage Foods Act" (CCFA) by allowing for the sale of homemade foods that require refrigeration and foods that include meat and meat products. A producer of a food (producer) that requires time and temperature control must take a food safety course that includes food handling training concerning time and temperature control and acquire and maintain proof of course completion.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill authorizes a county, district, or regional health agency that inspects or investigates homemade food products produced pursuant to the CCFA to impose a fine for a violation of the requirements of the CCFA and to recover the cost of the inspection or investigation.

The bill removes the \$10,000 cap on net revenues that a producer can earn under the CCFA.

The bill specifies that the CCFA does not apply to the sale of certain food products.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the "Tamale
3 Act".

4 **SECTION 2.** In Colorado Revised Statutes, 25-4-1614, **amend**
5 (2)(a), (2)(b), (2)(c), (4), (9)(b), and (9)(c) introductory portion; **repeal**
6 (2)(e); and **add** (8.5) as follows:

7 **25-4-1614. Home kitchens - exemption - food inspection - short
8 title - applicability - definitions - rules.**

9 (2) (a) (I) A producer may use ~~his or her~~ THEIR home kitchen or
10 a commercial, private, or public kitchen to produce NONPOTENTIALLY
11 HAZARDOUS foods for sale ~~only if the producer sells the foods~~ directly to
12 informed end consumers. THESE FOODS INCLUDE PICKLED FRUITS AND
13 VEGETABLES, SPICES, TEAS, DEHYDRATED PRODUCE, NUTS, SEEDS, HONEY,
14 JAMS, JELLIES, PRESERVES, FRUIT BUTTER, FLOUR, BAKED GOODS, CANDIES,
15 FRUIT EMPANADAS, TORTILLAS, AND OTHER NONPOTENTIALLY HAZARDOUS
16 FOODS.

17 (II) A PRODUCER MAY USE THEIR HOME KITCHEN TO PRODUCE AND
18 SELL FOODS THAT REQUIRE TIME AND TEMPERATURE CONTROL FOR
19 SAFETY, INCLUDING TAMALES, BURRITOS, AND TORTAS.

20 (III) A PERSON MAY SELL WHOLE EGGS UNDER THIS SECTION;
21 EXCEPT THAT A PERSON MAY NOT SELL MORE THAN TWO HUNDRED FIFTY

1 DOZEN WHOLE EGGS PER MONTH UNDER THIS SECTION. A PERSON SELLING
2 WHOLE EGGS MUST MEET THE REQUIREMENTS OF SECTION 35-21-105.

3 (IV) THE FINAL FOOD PRODUCT SHALL NOT BE COOLED AND
4 REHEATED BEFORE BEING SOLD.

5 (b) (I) A producer is permitted under this section to sell only a
6 limited range of foods that have been produced, processed, or packaged
7 that are nonpotentially hazardous and do not require refrigeration. These
8 foods include pickled fruits and vegetables, spices, teas, dehydrated
9 produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour,
10 and baked goods, including candies, fruit empanadas, and tortillas, and
11 other nonpotentially hazardous foods. THAT SELLS FOOD THAT REQUIRES
12 TIME AND TEMPERATURE CONTROL FOR SAFETY SHALL ENSURE THAT ANY
13 MEAT OR MEAT PRODUCT USED IN THE PRODUCTION OF FOOD UNDER THIS
14 SECTION:

15 (A) HAS BEEN FEDERALLY OR STATE INSPECTED AND BEARS THE
16 MARK OF INSPECTION; OR

17 (B) SATISFIES AN EXEMPTION FROM INSPECTION, SUCH AS THE
18 FEDERAL EXEMPTIONS FOR POULTRY PRODUCERS THAT PROCESS FEWER
19 THAN TWENTY THOUSAND POULTRY.

20 (II) A person may sell whole eggs under this section; except that
21 a person may not sell more than two hundred fifty dozen whole eggs per
22 month under this section. A person selling whole eggs must meet the
23 requirements of section 35-21-105, C.R.S. If a food product requires
24 time and temperature control for safety, the producer shall
25 maintain the food product at an appropriate temperature to
26 protect food safety until the time of sale.

27 (III) If a producer transports a food product that requires

1 TIME AND TEMPERATURE CONTROL FOR SAFETY BEFORE FINAL DELIVERY
2 TO AN INFORMED END CONSUMER, THE PRODUCER SHALL MAINTAIN THE
3 FOOD PRODUCT AT AN APPROPRIATE TEMPERATURE TO PROTECT FOOD
4 SAFETY DURING TRANSPORT, SHALL NOT TRANSPORT THE FOOD PRODUCT
5 MORE THAN ONCE, AND SHALL NOT TRANSPORT THE FOOD PRODUCT FOR
6 LONGER THAN TWO HOURS.

7 (c) (I) A producer ~~must~~ SHALL take a food safety course that
8 includes basic food handling training and is comparable to, or is, a course
9 given by the Colorado state university extension service or a state, county,
10 or district public health agency and ~~must~~ SHALL maintain a status of good
11 standing in accordance with the course requirements, including attending
12 any additional classes if necessary.

13 (II) A PRODUCER THAT SELLS FOOD PRODUCTS THAT REQUIRE TIME
14 AND TEMPERATURE CONTROL FOR SAFETY SHALL TAKE A FOOD SAFETY
15 COURSE THAT INCLUDES FOOD HANDLING TRAINING CONCERNING TIME
16 AND TEMPERATURE CONTROL AND ACQUIRE AND MAINTAIN PROOF OF
17 COURSE COMPLETION AND A STATUS OF GOOD STANDING IN ACCORDANCE
18 WITH THE COURSE REQUIREMENTS, INCLUDING ATTENDING ADDITIONAL
19 CLASSES IF NECESSARY. THE DEPARTMENT MAY APPROVE COURSES THAT
20 PROVIDE THE TRAINING SPECIFIED IN THIS SUBSECTION (2)(c)(II).

21 (e) ~~This section applies only to producers who earn net revenues
22 of ten thousand dollars or less per calendar year from the sale of each
23 eligible food product produced in the producer's home kitchen or a
24 commercial, private, or public kitchen.~~

25 (4) (a) A food product produced pursuant to this section is subject
26 to food sampling and inspection by the department or a county, district,
27 or regional health agency pursuant to section 25-5-406 if it is determined

1 that the food product is misbranded pursuant to subsection (3) of this
2 section or if a consumer complaint has been received or if the product is
3 suspected in an injury or food-borne illness outbreak.

4 (b) IF A COUNTY, DISTRICT, OR REGIONAL HEALTH AGENCY
5 INSPECTS A FOOD PRODUCT PRODUCED PURSUANT TO THIS SECTION AND
6 DETERMINES THAT THE FOOD PRODUCT IS MISBRANDED OR CAUSED AN
7 INJURY OR FOOD-BORNE ILLNESS OUTBREAK, THE HEALTH AGENCY MAY:

8 (I) IMPOSE A FINE FOR A VIOLATION OF THIS SECTION, WHICH FINE
9 MUST NOT EXCEED A TOTAL OF ONE HUNDRED DOLLARS FOR THE
10 VIOLATION; AND

11 (II) RECOVER FROM THE PRODUCER THE COST OF THE
12 INVESTIGATION OR INSPECTION, WHICH COST MUST NOT EXCEED ONE
13 THOUSAND DOLLARS.

14 (8.5) THIS SECTION DOES NOT APPLY TO THE SALE OF RAW MILK;
15 LOW-ACID CANNED FOOD PRODUCTS; FERMENTED OR ACIDIFIED FOOD
16 PRODUCTS THAT REQUIRE TIME AND TEMPERATURE CONTROL FOR SAFETY;
17 FOOD PRODUCTS THAT ARE ALCOHOL BEVERAGES OR THAT CONTAIN
18 CANNABINOIDS; OR FOOD PRODUCTS THAT ARE PRODUCED WITH SMOKING
19 USED AS A PRESERVATION METHOD AND NOT FOR FLAVOR, REDUCED
20 OXYGEN PROCESSING, OR CURING.

21 (9) As used in this section:

22 (b) ~~"Nonpotentially hazardous"~~ has the meaning set forth in
23 section ~~25-4-1602 (12)~~ "MEAT OR MEAT PRODUCTS" HAS THE MEANING
24 SET FORTH IN SECTION 35-33-103 (8).

25 (c) "Producer" means a person ~~who~~ THAT prepares ~~nonpotentially~~
26 ~~hazardous~~ foods in a home kitchen or similar venue for sale directly to
27 consumers pursuant to this section and includes that person's designated

1 representative. A producer may only be:

2 **SECTION 3.** In Colorado Revised Statutes, 35-36-102, **amend**
3 (8)(b)(II) and (12)(b)(II) as follows:

4 **35-36-102. Definitions.**

5 As used in this article 36, unless the context otherwise requires:

6 (8) (b) "Commodity handler" does not include:

7 (II) A producer as defined in the "Colorado Cottage Foods Act",

8 ~~section 25-4-1614 (9)(c). who earns net revenues of ten thousand dollars~~

9 ~~or less per calendar year from the sale of each eligible food product.~~

10 (12) (b) "Dealer" does not include:

11 (II) A producer as defined in the "Colorado Cottage Foods Act",

12 ~~section 25-4-1614 (9)(c). who earns net revenues of ten thousand dollars~~

13 ~~or less per calendar year from the sale of each eligible food product.~~

14 **SECTION 4. Act subject to petition - effective date -**

15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

16 the expiration of the ninety-day period after final adjournment of the

17 general assembly (August 12, 2026, if adjournment sine die is on May 13,

18 2026); except that, if a referendum petition is filed pursuant to section 1

19 (3) of article V of the state constitution against this act or an item, section,

20 or part of this act within such period, then the act, item, section, or part

21 will not take effect unless approved by the people at the general election

22 to be held in November 2026 and, in such case, will take effect on the

23 date of the official declaration of the vote thereon by the governor.

24 (2) This act applies to conduct occurring on or after the applicable

25 effective date of this act.