

HOUSE BILL NO. 5671

January 18, 2022, Introduced by Reps. Alexander and Brann and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending section 4102 (MCL 289.4102), as amended by 2012 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4102. (1) A cottage food operation is exempt from the
2 licensing and evaluation provisions of this act. This exemption
3 does not include an exemption from the adulteration and other
4 standards imposed in this section or under this act, or both, and
5 does not limit the ability of the department to take appropriate

1 enforcement action for applicable violations as described in
2 section 5101. This subsection does not require a cottage food
3 operation to meet the standards contained in 21 CFR part 110 or the
4 food code.

5 (2) Cottage food products ~~shall~~**must** be prepackaged and
6 properly labeled ~~prior to~~**before** sale.

7 (3) At a minimum, a cottage food operation shall place on the
8 label of any food it produces or packages the following
9 information:

10 (a) The name and address of the business of the cottage food
11 operation.

12 (b) The name of the cottage food product.

13 (c) The ingredients of the cottage food product, in descending
14 order of predominance by weight.

15 (d) The net weight or net volume of the cottage food product.

16 (e) Allergen labeling as specified by federal labeling
17 requirements.

18 (f) If any nutritional claim is made, appropriate labeling as
19 specified by federal labeling requirements.

20 (g) The following statement printed in at least the equivalent
21 of 11-point font size in a color that provides a clear contrast to
22 the background: "Made in a home kitchen that has not been inspected
23 by the Michigan department of agriculture and rural development.".

24 (4) Cottage food products may be sold directly from the
25 cottage food operation to the consumer, ~~only, and not~~**including** by
26 internet or mail order. Sales by consignment or at wholesale are
27 prohibited.

28 (5) The gross sales of cottage food products by a cottage food
29 operation ~~shall~~**must** not exceed \$20,000.00 annually until December

1 31, 2017. After December 31, 2017, the gross sales of cottage food
2 products by a cottage food operation ~~shall~~**must** not exceed
3 ~~\$25,000.00~~**\$100,000.00** annually. For the purposes of this
4 subsection, gross sales ~~shall~~**must** be computed on the basis of the
5 amount of gross sales within or at a particular domestic residence
6 and ~~shall~~**must** not be computed on a per-person basis within or at
7 that domestic residence. The department may request in writing
8 documentation to verify the annual gross sales figure.

9 (6) Cottage food products ~~shall~~**must** be stored only in the
10 primary domestic residence.

11 (7) An exemption under this section does not affect the
12 application of any other state or federal laws or any applicable
13 ordinances enacted by any local unit of government.