



State of Tennessee
PUBLIC CHAPTER NO. 1105

SENATE BILL NO. 3547

By Crowe; Mr. Speaker Ramsey; Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager

Substituted for: House Bill No. 3302

By Hill, Evans, Shipley, Eldridge, Lollar, Powers, Marsh, Faison, Stewart, Shaw

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 8, Part 1, relative to sales of certain foods and food products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 8, Part 1, is amended by deleting § 53-8-117 in its entirety and by substituting instead the following language:

53-8-117.

(a) As used in this section, unless the context otherwise requires:

(1) "Home based kitchen" means a cooking facility located in that person's primary residence;

(2) "Nonpotentially hazardous food" means jam, jellies, candy, dried mixes and other such food that do not meet the definition of potentially hazardous food; and

(3) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, home-canned foods other than jams and jellies, or any food that requires temperature control for safety.

(b) Notwithstanding any law, rule or regulation to the contrary, nonpotentially hazardous food prepared in a home based kitchen may be sold at that person's personal residence, a community or social event, including church bazaars and festivals, flea markets, or at farmer's markets located in this state.

(c) Persons offering for sale nonpotentially hazardous food prepared in a home based kitchen shall display an eight and one-half inch by eleven inch (8 1/2" x 11") sign with three-fourths inch (3/4") font at the place of sale stating: "These food products were made in a private home not licensed or inspected."

(d) Each food product that is sold shall be labeled with the name and address of the person who prepared the food product, the common or usual name of the food product, the date on which the food product was packaged, the net quantity of the food product, the statement "This product was made in a private home not licensed or inspected," and a list of ingredients in descending order of prominence of weight. If any ingredient contains milk, eggs, fish, crustaceans, shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients shall include the common name of the ingredient.

(e) Whenever the commissioner finds that a nonpotentially hazardous food prepared in a home based kitchen is, by reason of microbiological, physical, chemical or allergenic contamination, injurious to the public health, the commissioner may prohibit the sale of such food until the facility in which it was prepared is inspected and found to be in substantial compliance with the regulations for establishments

utilizing domestic kitchen facilities for bakery and other nonpotentially hazardous food, and the contamination is eliminated. Any food product prepared in a home based kitchen failing to meet the definition of a "nonpotentially hazardous food" shall immediately be removed from sale.

(f) All nonpotentially hazardous food from a home based kitchen may be distributed as free samples.

(g) An individual who processes nonpotentially hazardous foods in a home based kitchen is encouraged but shall not be required to complete a food safety course and to have their recipes and processes reviewed by a person who is knowledgeable about food processing and who is recognized by the department or a state college or university with a curriculum in food safety as an authority on preparing processed food.

(h) This section shall not prohibit a person from obtaining a regulatory services permit for a domestic kitchen when appropriately applied for and the relative requirements are met.

(i) If a conflict exists between this section and Title 53, Chapter 1, then this section shall control.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 1, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2012



BILL HASLAM, GOVERNOR