STATE OF NEW YORK

6112

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to enacting the homemade business opportunity act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "homemade business opportunity act".

§ 2. Legislative intent. Every day, New Yorkers are using their skills, talents and creativity to build home kitchen-based businesses to provide unique, quality food products, increasingly sourced using local ingredients for direct sale to consumers, farmers markets and other retail outlets. By practicing and perfecting their products, many of these craft culinary enterprises have succeeded and grown into thriving and vibrant small businesses, creating jobs, supporting local economies and local farmers. It is the legislature's intent that home kitchen-based or "cottage food" entrepreneurs should be supported and encouraged in their efforts. The homemade business opportunity act modernizes regulations impacting these enterprises and reduces artificial barriers to business growth, and expands potential markets and products that can be offered for direct and indirect sales to consumers, while recognizing the state's legitimate interest in preserving food product safety and public health.

§ 3. The agriculture and markets law is amended by adding a new section 16-b to read as follows:

§ 16-b. Homemade business opportunities. The commissioner shall promulgate rules and regulations to execute and carry into effect the following:

1. An expansion of the types of foods that can be home-processed and offered for sale to include the following:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(a) raw nuts and nut mixes, provided, however that such nuts are purchased from a commercial source that meets all standards set forth in this chapter;
(b) chocolate;
(c) baked goods prepared with fruits and vegetables;
(d) cereals;
(e) granola;
(f) trail mixes;
(g) dried garden vegetables;
(h) dried soup mixes;
(i) dried fruits;
(j) honey;
(k) seasoning salts;
(l) dry baking mixes; and
(m) dried pasta;
2. No limits on the number of ingredients included in any home-processed item;
3. Standards that allow producers to safely process pickles and other products including oils and flavored vinegars;
4. Continual input from stakeholders in an effort to maximize home-processed food opportunities while also ensuring public safety;
5. An annual review and update of all approved home-processed food items;
6. A mechanism by which producers can petition for the authorization of new approved home-processed food items;
7. An annually updated list of approved commercial kitchens that are accessible to home-processed food producers, including information about fees and other requirements;
8. Approved home-processed product venues and methods of sale:
(a) wholesale markets;
(b) retail agricultural venues such as farms, farm stands, farmers markets, green markets, craft fairs and flea markets;
(c) producers' homes, subject to local zoning restrictions;
(d) community-supported agriculture entities;
(e) direct internet sales within New York state; provided that sales equaling fifty thousand dollars or more per year shall trigger additional inspection and permit requirements under article twenty-c of this chapter, however all licensing fees shall be waived for farm-based producers; and
(f) indirect sales to restaurants, retailers and grocers; provided that sales equaling fifty thousand dollars or more per year shall trigger additional inspection and permit requirements under article twenty-c of this chapter, however all licensing fees shall be waived for farm-based producers; and
9. In conjunction with the commissioner of the department of health, standardized training for local health and food safety agencies to ensure consistent enforcement and guidance for home-processed product producers.

§ 4. This act shall take effect immediately.