

# Bill as Introduced

HB 1402 - AS INTRODUCED

2012 SESSION

12-2648

08/04

HOUSE BILL           **1402**

AN ACT               relative to the sale of homemade food.

SPONSORS:           Rep. Comtois, Belk 5; Rep. Groen, Straf 1; Rep. S. Palmer, Hills 6; Rep. Okerman,  
Rock 4

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This exempts producers of homemade food from licensure by the department of health and human services.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT                   relative to the sale of homemade food.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Homestead Food Sales. RSA 143-A:12-13 are repealed and reenacted to read as follows:  
2           143-A:12 Homestead Food License Required.

3           I. In this subdivision, "homestead" means a residential, non-commercial kitchen where  
4 home-made foods are manufactured or processed, or both, primarily for retail sales within the state.

5           II. Homestead produced food may be sold to customers who have been informed that neither  
6 the homestead producer nor its products are licensed and have not been tested or inspected by the  
7 department of health and human services.

8           143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
9 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

10           I. Determining an outbreak of a food borne illness.

11           II. Procedures for determining the homestead food producer the commissioner determines to  
12 have that been the source of an outbreak of a food borne illness.

13           III. Procedures for inspecting and detaining any food product that is suspected of causing an  
14 outbreak of a food borne illness.

15           2 New Paragraph; Homestead Food Sales; Exemption from Licensing. Amend RSA 143-A:5 by  
16 inserting after paragraph VI the following new paragraph:

17           VII. Homestead food producers as described under RSA 143-A:12-13.

18           3 Effective Date. This act shall take effect 60 days after its passage.

HB 1402 - AS AMENDED BY THE HOUSE

15Feb2012... 0624h

2012 SESSION

12-2648  
08/04

HOUSE BILL            **1402**

AN ACT            relative to the sale of homemade food and licensing of certain milk producer-distributors.

SPONSORS:        Rep. Comtois, Belk 5; Rep. Groen, Straf 1; Rep. S. Palmer, Hills 6; Rep. Okerman, Rock 4

COMMITTEE:       Environment and Agriculture

---

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

---

Explanation:     Matter added to current law appears in *bold italics*.  
                  Matter removed from current law appears [~~in brackets and struckthrough~~].  
                  Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT           relative to the sale of homemade food and licensing of certain milk producer-distributors.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
2 after paragraph VI the following new paragraph:

3           VII. Homestead food operations selling less than a maximum annual gross sales of \$10,000  
4 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I from the homestead  
5 residence, at the owners's farm stand, or at a farmers' markets.

6           2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as  
7 follows:

8           143-A:12 Homestead Food License Required.

9           I. In this subdivision:

10           (a) "Homestead food operation" means a person who produces homestead food products,  
11 excluding potentially hazardous food, only in the home kitchen of that person's primary residence in  
12 New Hampshire and only for sale directly to the consumer from the homestead residence, the  
13 owner's farm stand, or at farmers' markets.

14           (b) "Potentially hazardous food" means foods requiring temperature control for safety  
15 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,  
16 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also  
17 include processed acidified and low acid canned foods.

18           (c) "Homestead food products" means all food except potentially hazardous food, and as  
19 defined in rule by the commissioner of the department of health and human services through  
20 rulemaking under RSA 143-A:13.

21           II. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
22 food, excluding potentially hazardous food, from the homestead residence at the owner's own farm  
23 stand, or at farmers' markets are exempt from licensure under this subdivision.

24           III. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit  
25 or homestead food operations who wish to sell food products, excluding potentially hazardous food, to  
26 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,  
27 brokers or other food distributors who will resell the homestead product shall be licensed under  
28 RSA 143-A:4.

29           IV. All homestead food products sold in packages from the home kitchen or farm stand of a

1 homestead food operation or at farmers' market shall have individual labels on each package  
 2 containing the following information: name, address, and phone number of the homestead food  
 3 operation; name of the homestead food product; the ingredients of the homestead product, in  
 4 descending order of predominance by weight; and allergy information. Such products shall also be  
 5 clearly labeled with the following statement: "This product is exempt from New Hampshire licensing  
 6 and inspection."

7 3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

8 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
 9 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

10 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
 11 which shall not be made in a homestead food operation.

12 II. Content and format of all labeling requirements.

13 III. Licensing requirements for homestead food operations exceeding the annual maximum  
 14 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
 15 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
 16 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

17 IV. Content and format of all forms required under this subdivision.

18 V. Fees for non-exempt homestead food operation licenses, including application fees and  
 19 fees for renewal.

20 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
 21 the following new paragraph.

22 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
 23 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,  
 24 or kefir shall not require a milk producer-distributor license, provided these products are offered as  
 25 direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food  
 26 consumer within the state of New Hampshire only.

27 (a) Any product containing raw milk from the milk producer-distributor's farm or farm  
 28 stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by  
 29 the producer-distributor, the individual container shall have a label which contains the name,  
 30 address, and phone number of the milk producer-distributor's farm; the name of the product; and the  
 31 following statement: "This product is made with raw milk and is exempt from New Hampshire  
 32 licensing and inspection."

33 (b) A milk producer-distributor selling raw milk products under this paragraph shall  
 34 place a sign at the point of sale which contains the name, address, and phone number of the milk  
 35 producer-distributor's farm; and the following statement: "Products from this farm made from raw  
 36 milk are exempt from New Hampshire licensing and inspection."

37 5 Effective Date. This act shall take effect upon its passage.

# Amendments



Not Adopted

Amendment to HB 1402

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the sale of homemade food manufactured or processed on farms and  
4 establishing a committee to study the department of agriculture, markets, and  
5 food.  
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 New Paragraph; Homestead Food Licenses; Farm Exemption. Amend RSA 143-A:12 by  
10 inserting after paragraph II the following new paragraph:

11 III. A person who operates a residential, non-commercial kitchen where home-made foods  
12 are manufactured or processed, or both, on a farm as defined by RSA 21:34-a primarily for retail  
13 sales within the state shall be exempt from the requirements of this section. Products from such a  
14 farm shall bear a label with the name of the farm and contact information for the farm.

15 2 New Paragraph; Homestead Food Sales; Exemption from Licensing. Amend RSA 143-A:5 by  
16 inserting after paragraph VI the following new paragraph:

17 VII. Home-made food producers as described under RSA 143-A:12, III.

18 3 New Paragraph; Milk Distributor License; Exemption. Amend RSA 184:84 by inserting after  
19 paragraph IV the following new paragraph:

20 V. A milk distributor who produces and sells less than 172 pounds of raw milk or raw milk  
21 products daily shall not require a milk distributor license.

22 4 Committee Established. There is established a committee to study the mission of the  
23 department of agriculture, markets, and food.

24 5 Membership and Compensation.

25 I. The members of the committee shall be as follows:

26 (a) Two members of the house of representatives from the environment and agriculture  
27 committee, appointed by the speaker of the house of representatives.

28 (b) Two members of the senate, appointed by the president of the senate.

29 II. Members of the committee shall receive mileage at the legislative rate when attending to  
30 the duties of the committee.

31 6 Duties. The committee shall study the mission of the department of agriculture, markets, and  
32 food, including:

33 I. The duties of the commissioner.





1 II. How to promote agritourism.

2 III. How to support microfarmers producing less than \$100,000 in annual sales of farm  
3 products.

4 IV. The removal of regulatory barriers from small farms.

5 V. How to simplify the rebate of the off road fuel tax

6 VI. Insurance options for tractors used for farming and agricultural purposes.

7 VII. Transferring the dairy sanitation program from the department of health and human  
8 services to the department of agriculture, markets, and food.

9 7 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
10 among the members. The first meeting of the committee shall be called by the first-named house  
11 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
12 section. Three members of the committee shall constitute a quorum.

13 8 Report. The committee shall report its findings and any recommendations for proposed  
14 legislation to the speaker of the house of representatives, the president of the senate, the house  
15 clerk, the senate clerk, the governor, and the state library on or before November 1, 2012.

16 9 Effective Date. This act shall take effect upon its passage.



2012-0141h

AMENDED ANALYSIS

This bill exempts producers of homemade food on farms from licensure by the department of health and human services.

This bill also establishes a committee to study the department of agriculture, markets, and food.



Not Adopted

Amendment to HB 1402

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the sale of homemade food and licensing of certain milk producer-  
4 distributors.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
9 after paragraph VI the following new paragraph:

10 VII. Homestead food operations selling less than a maximum annual gross sales of \$10,000  
11 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I(a) from their home  
12 kitchen, at their own farm stand, or at a farmers markets.

13 2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as  
14 follows:

15 143-A:12 Homestead Food License Required.

16 I.(a) In this subdivision: "Homestead food operation" means a person who produces  
17 homestead food products, excluding potentially hazardous food, only in the home kitchen of that  
18 person's primary residence in New Hampshire and only for sale directly to the consumer from the  
19 homestead residence, the owner's farm stand, or at farmer's markets.

20 (b) "Potentially hazardous food" means foods requiring temperature control for safety  
21 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,  
22 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also  
23 include processed acidified and low acid canned foods.

24 (c) "Homestead food products" means all food, except potentially hazardous food, and as  
25 defined in rule by the commissioner of the department of health and human services through  
26 rulemaking under RSA 143-A:13.

27 IV. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
28 food, excluding potentially hazardous food, from their home kitchen, at their own farm stand, or at  
29 farmers markets are exempt from licensure under this subdivision.

30 V. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit or  
31 homestead food operations who wish to sell food products, excluding potentially hazardous food, to  
32 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,



1 brokers or other food distributors who will resell the homestead product shall be licensed under  
2 RSA 193-A:4.

3 VI. All products sold from the home kitchen, or farm stand of a homestead food operation or  
4 at farmers market must be labeled with the following information: name and address of the  
5 homestead food operation, name of the homestead food product, and the ingredients of the  
6 homestead product, in descending order of predominance by weight.

7 3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

8 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
9 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

10 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
11 which shall not be made in a homestead food operation.

12 II. Content and format of all labeling requirements.

13 III. Licensing requirements for homestead food operations exceeding the annual maximum  
14 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
15 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
16 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

17 IV. Content and format of all forms required under this subdivision.

18 V. Fees for non-exempt homestead food operation licenses, including application fees and  
19 fees for renewal.

20 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
21 the following new paragraph.

22 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
23 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream or Kefir  
24 shall not require a milk producer-distributor license, provided these producers are offered as direct  
25 sales from their own farm, farm stand, or at a farmers market to the food consumer with the state of  
26 New Hampshire only. The product shall be labeled with the name and address of the farm, the  
27 name of the product, and state that the product contains raw milk.

28 5 Effective Date. This act shall take effect upon its passage.



2012-0467h

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.



"Not Adopted"

Amendment to HB 1402

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the sale of homemade food and licensing of certain milk producer-  
4 distributors.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
9 after paragraph VI the following new paragraph:

10 VII. Homestead food operations, selling less than a maximum annual gross sales of \$10,000  
11 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I from the homestead  
12 residence, at the owners's farm stand, or at a farmers' markets.

13 2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as  
14 follows:

15 143-A:12 Homestead Food License Required.

16 I. In this subdivision:

17 (a) "Homestead food operation" means a person who produces homestead food products,  
18 excluding potentially hazardous food, only in the home kitchen of that person's primary residence in  
19 New Hampshire and only for sale directly to the consumer from the homestead residence, the  
20 owner's farm stand, or at farmers' markets.

21 (b) "Potentially hazardous food" means foods requiring temperature control for safety  
22 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,  
23 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also  
24 include processed acidified and low acid canned foods.

25 (c) "Homestead food products" means all food except potentially hazardous food, and as  
26 defined in rule by the commissioner of the department of health and human services through  
27 rulemaking under RSA 143-A:13.

28 II. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
29 food, excluding potentially hazardous food, from the homestead residence at the owner's own farm  
30 stand, or at farmers' markets are exempt from licensure under this subdivision.

31 III. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit  
32 or homestead food operations who wish to sell food products, excluding potentially hazardous food, to



1 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,  
2 brokers or other food distributors who will resell the homestead product shall be licensed under  
3 RSA 143-A:4.

4 VI. All homestead food products sold in packages from the home kitchen or farm stand of a  
5 homestead food operation or at farmers' market shall have individual labels on each package  
6 containing the following information: name, address, and phone number of the homestead food  
7 operation; name of the homestead food product; the ingredients of the homestead product, in  
8 descending order of predominance by weight; and allergy information. Such products shall also be  
9 clearly labeled with the following statement: "This product is exempt from New Hampshire licensing  
10 and inspection."

11 3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

12 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
13 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

14 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
15 which shall not be made in a homestead food operation.

16 II. Content and format of all labeling requirements.

17 III. Licensing requirements for homestead food operations exceeding the annual maximum  
18 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
19 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
20 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

21 IV. Content and format of all forms required under this subdivision.

22 V. Fees for non-exempt homestead food operation licenses, including application fees and  
23 fees for renewal.

24 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
25 the following new paragraph.

26 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
27 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,  
28 or kefir shall not require a milk producer-distributor license, provided these products are offered as  
29 direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food  
30 consumer within the state of New Hampshire only.

31 (a) Any product containing raw milk from the milk producer-distributor's farm or farm  
32 stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by  
33 the producer-distributor, the individual container shall have a label which contains the name,  
34 address, and phone number of the milk producer-distributor's farm; the name of the product; and the  
35 following statement: "This product is exempt from New Hampshire licensing and inspection."

36 (b) A milk producer-distributor selling raw milk products under this paragraph shall  
37 place a sign at the point of sale which contains the name, address, and phone number of the milk



**Amendment to HB 1402**

**- Page 3 -**

- 1 producer-distributor's farm; and the following statement: "Products from this farm containing raw
- 2 milk are exempt from New Hampshire licensing and inspection."
- 3       5 Effective Date. This act shall take effect upon its passage.





2012-0529h

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

Amendment to HB 1402

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the sale of homemade food and licensing of certain milk producer-  
4 distributors.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
9 after paragraph VI the following new paragraph:

10 VII. Homestead food operations selling less than a maximum annual gross sales of \$10,000  
11 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I from the homestead  
12 residence, at the owners's farm stand, or at a farmers' markets.

13 2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as  
14 follows:

15 143-A:12 Homestead Food License Required.

16 I. In this subdivision:

17 (a) "Homestead food operation" means a person who produces homestead food products,  
18 excluding potentially hazardous food, only in the home kitchen of that person's primary residence in  
19 New Hampshire and only for sale directly to the consumer from the homestead residence, the  
20 owner's farm stand, or at farmers' markets.

21 (b) "Potentially hazardous food" means foods requiring temperature control for safety  
22 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,  
23 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also  
24 include processed acidified and low acid canned foods.

25 (c) "Homestead food products" means all food except potentially hazardous food, and as  
26 defined in rule by the commissioner of the department of health and human services through  
27 rulemaking under RSA 143-A:13.

28 II. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
29 food, excluding potentially hazardous food, from the homestead residence at the owner's own farm  
30 stand, or at farmers' markets are exempt from licensure under this subdivision.

31 III. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit  
32 or homestead food operations who wish to sell food products, excluding potentially hazardous food, to

Amendment to HB 1402

- Page 2 -

1 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,  
2 brokers or other food distributors who will resell the homestead product shall be licensed under  
3 RSA 143-A:4.

4 IV. All homestead food products sold in packages from the home kitchen or farm stand of a  
5 homestead food operation or at farmers' market shall have individual labels on each package  
6 containing the following information: name, address, and phone number of the homestead food  
7 operation; name of the homestead food product; the ingredients of the homestead product, in  
8 descending order of predominance by weight; and allergy information. Such products shall also be  
9 clearly labeled with the following statement: "This product is exempt from New Hampshire licensing  
10 and inspection."

11 3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

12 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
13 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

14 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
15 which shall not be made in a homestead food operation.

16 II. Content and format of all labeling requirements.

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18 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
19 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
20 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

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23 fees for renewal.

24 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
25 the following new paragraph.

26 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
27 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,  
28 or kefir shall not require a milk producer-distributor license, provided these products are offered as  
29 direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food  
30 consumer within the state of New Hampshire only.

31 (a) Any product containing raw milk from the milk producer-distributor's farm or farm  
32 stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by  
33 the producer-distributor, the individual container shall have a label which contains the name,  
34 address, and phone number of the milk producer-distributor's farm; the name of the product; and the  
35 following statement: "This product is made with raw milk and is exempt from New Hampshire  
36 licensing and inspection."

37 (b) A milk producer-distributor selling raw milk products under this paragraph shall

**Amendment to HB 1402**

**- Page 3 -**

1 place a sign at the point of sale which contains the name, address, and phone number of the milk  
2 producer-distributor's farm; and the following statement: "Products from this farm made from raw  
3 milk are exempt from New Hampshire licensing and inspection."

4 5 Effective Date. This act shall take effect upon its passage.

2012-0624h

**AMENDED ANALYSIS**

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.



Amendment to HB 1402

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the sale of homemade food and licensing of certain milk producer-  
4 distributors.  
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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
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25 (c) "Homestead food products" means all food except potentially hazardous food, and as  
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28 II. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
29 food, excluding potentially hazardous food, from the homestead residence at the owner's own farm  
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31 III. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit  
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1 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,  
2 brokers or other food distributors who will resell the homestead product shall be licensed under  
3 RSA 143-A:4.

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12 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
13 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

14 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
15 which shall not be made in a homestead food operation.

16 II. Content and format of all labeling requirements.

17 III. Licensing requirements for homestead food operations exceeding the annual maximum  
18 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
19 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
20 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

21 IV. Content and format of all forms required under this subdivision.

22 V. Fees for non-exempt homestead food operation licenses, including application fees and  
23 fees for renewal.

24 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
25 the following new paragraph.

26 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
27 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,  
28 or kefir shall not require a milk producer-distributor license, provided these products are offered as  
29 direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food  
30 consumer within the state of New Hampshire only.

31 (a) Any product containing raw milk from the milk producer-distributor's farm or farm  
32 stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by  
33 the producer-distributor, the individual container shall have a label which contains the name,  
34 address, and phone number of the milk producer-distributor's farm; the name of the product; and the  
35 following statement: "This product is made with raw milk and is exempt from New Hampshire  
36 licensing and inspection."

37 (b) A milk producer-distributor selling raw milk products under this paragraph shall

Amendment to HB 1402

- Page 3 -



- 1 place a sign at the point of sale which contains the name, address, and phone number of the milk
- 2 producer-distributor's farm; and the following statement: "Products from this farm made from raw
- 3 milk are exempt from New Hampshire licensing and inspection."
- 4 5 Effective Date. This act shall take effect upon its passage.





2012-0624h

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

New

Rep. Comtois, Belk. 5  
February 6, 2012  
2012-0624h  
08/10



Amendment to HB 1402

Not Adopted

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the sale of homemade food and licensing of certain milk producer-  
4 distributors.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
9 after paragraph VI the following new paragraph:

10 VII. Homestead food operations selling less than a maximum annual gross sales of \$10,000  
11 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I from the homestead  
12 residence, at the owners's farm stand, or at a farmers' markets.

13 2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as  
14 follows:

15 143-A:12 Homestead Food License Required.

16 I. In this subdivision:

17 (a) "Homestead food operation" means a person who produces homestead food products,  
18 excluding potentially hazardous food, only in the home kitchen of that person's primary residence in  
19 New Hampshire and only for sale directly to the consumer from the homestead residence, the  
20 owner's farm stand, or at farmers' markets.

21 (b) "Potentially hazardous food" means foods requiring temperature control for safety  
22 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,  
23 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also  
24 include processed acidified and low acid canned foods.

25 (c) "Homestead food products" means all food except potentially hazardous food, and as  
26 defined in rule by the commissioner of the department of health and human services through  
27 rulemaking under RSA 143-A:13.

28 II. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
29 food, excluding potentially hazardous food, from the homestead residence at the owner's own farm  
30 stand, or at farmers' markets are exempt from licensure under this subdivision.

31 III. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit  
32 or homestead food operations who wish to sell food products, excluding potentially hazardous food, to



1 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,  
2 brokers or other food distributors who will resell the homestead product shall be licensed under  
3 RSA 143-A:4.

4 IV. All homestead food products sold in packages from the home kitchen or farm stand of a  
5 homestead food operation or at farmers' market shall have individual labels on each package  
6 containing the following information: name, address, and phone number of the homestead food  
7 operation; name of the homestead food product; the ingredients of the homestead product, in  
8 descending order of predominance by weight; and allergy information. Such products shall also be  
9 clearly labeled with the following statement: "This product is exempt from New Hampshire licensing  
10 and inspection."

11 3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

12 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
13 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

14 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
15 which shall not be made in a homestead food operation.

16 II. Content and format of all labeling requirements.

17 III. Licensing requirements for homestead food operations exceeding the annual maximum  
18 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
19 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
20 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

21 IV. Content and format of all forms required under this subdivision.

22 V. Fees for non-exempt homestead food operation licenses, including application fees and  
23 fees for renewal.

24 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
25 the following new paragraph.

26 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
27 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,  
28 or kefir shall not require a milk producer-distributor license, provided these products are offered as  
29 direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food  
30 consumer within the state of New Hampshire only.

31 (a) Any product containing raw milk from the milk producer-distributor's farm or farm  
32 stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by  
33 the producer-distributor, the individual container shall have a label which contains the name,  
34 address, and phone number of the milk producer-distributor's farm; the name of the product; and the  
35 following statement: "This product is made with raw milk and is exempt from New Hampshire  
36 licensing and inspection."

37 (b) A milk producer-distributor selling raw milk products under this paragraph shall

Amendment to HB 1402

- Page 3 -



- 1 place a sign at the point of sale which contains the name, address, and phone number of the milk
- 2 producer-distributor's farm; and the following statement: "Products from this farm made from raw
- 3 milk are exempt from New Hampshire licensing and inspection."
- 4       5 Effective Date. This act shall take effect upon its passage.



2012-0624h

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

# Speakers







# Hearing Minutes

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.  
**DATE:** January 10, 2012  
**LOB ROOM:** 303      **Time Public Hearing Called to Order:** 11:00 a.m.  
**Time Adjourned:** 12:50 p.m.

(please circle if present)

**Committee Members:** Reps. Haefner, Groen, Messier, Babson, Knox, Gandia, Palmer, Comtois,  
Malone, Mechesk, O'Connor, Sheffert, Swank, Sad, Owen, Powers, Suzanne Smith and Townsend.

**Bill Sponsors:** Rep. Comtois, Belk 5; Groen, Straf 1; Rep. S. Palmer, Hills 6; Rep. Okerman, Rock  
4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Guy Comtois** - Prime sponsor of the bill.

**Councilor David Wheeler** - Supports bill as amended. Gave testimony in support. Cars don't require insurance, tractors required to have liability insurance.

Rep. Townsend: Line 21, dist. or producer? Dist. - 172 pounds of cheese?

Rep. Groen: Health problems from micro farm products - Rep. Wheeler, No.

Rep. Townsend: Labels? Tie farmers hands.

\* **Michael Dumond, NH Department of Health & Human Services** - Opposes the bill.

**Rep. David Babson** - Opposes the bill. Many small farmers, food producers out of business due to excessive cost of licensing and food testing.

Rep. Sheffert: Why send products to Maine for testing and not keep in New Hampshire? ANS: No facilities.

**Rep. Seth Cohn** - Supports the bill. Testimony amended bill for farms only (should include other small businesses). Labeling should be included.

**Rep. Rick Okerman** - Supports the bill. Testimony small farm produced products. Better and healthier foods.

**Chuck Souther, NH Farm Bureau** - Opposes the bill as originally written. Current system works. It supports state wide known good product.

**Patriot Pastor Garret Lewis, Well of Living Water Church & Heros of Liberty** - Supports the bill as amended. Offended that Government feels they have to protect us. Feels the individual has right to buy and eat when, what and who to buy from. Buyer beware! Concerned about New Hampshire home security and availability of food in an emergency.

**John Dumais, NH Grocers Association** - Opposes the bill. Supports original bill. Supports local New Hampshire made and produced products. 40% sales to out of staters. Bar code = traceability. Traceability needed for consumer. Needs labels.

**Wendy Rodgers, Bittersweet Farm** - Supports the bill. Spoke to raising children on farm and how regulations can affect supporting healthy life style on a farm.

**Dina Farrell, The Olde Ways at Mustard Seed Farm** - Supports the bill. Raise and produce own products to eat and to sell.

**Edward Nason, Moose Rut Farm** - Supports the bill. Started producing goods for family use. As costs increased, necessary to sell excess. Regulations cause major concerns.

**J. B. Brown** - Supports the bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen J. Palmer". The signature is written in a cursive style with a large, sweeping flourish at the end.

Rep. Stephen J. Palmer  
Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 1402

BILL TITLE: relative to the sale of homemade food.

DATE: 1/10/12

LOB ROOM: 303

Time Public Hearing Called to Order: 11:00 a.m.

Time Adjourned: 12:50 PM

(please circle if present)

Committee Members: Reps. Haefner, Groen, Messier, Babson, Knox, Gandia, Palmer, Comtois, Malone, Mecheski, O'Connor, Sheffert, Swank, Sad, Owen, Powers, Suzanne Smith, and Townsend.

Bill Sponsors: Rep. Comtois, Belk 5; Groen, Straf 1; Rep. S. Palmer, Hills 6; Rep. Okerman, Rock 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\*

HB 1402

GUY COMPTON'S PREMISE SPONSOR

CONSPICUOUS DAVID WHEELER

SUPPORTS BILL AS

AMENDED. GAVE

TESTIMONY IN SUPPORT

- CARS DON'T REQUIRE INS,
- TRACTORS REQUIRE TO HAVE
- LEASABLE INS.

REP TOWNSEND LINE 21

DEST OR PRODUCER? DEST.

- 172 POUNDS OF CHASSA?

REP GROSS - HEALTH PROBLEMS FROM

MICRO FARM PRODUCTS -

REP WHEELER, NO

REP TOWNSEND - LABELS? THE

FARMERS HANDS.

MECHAEL DUMOND - DHH S

\* TESTIMONY.

REP DAVID BABSON - MANY

SMALL FARMERS, FOOD PRODUCERS

OUT OF BUSINESS DUE TO

EXCESSIVE COST OF LICENSING

& FOOD TESTING.

REP SHAFER - WHY SEND  
PRODUCTS TO MAINE FOR  
TESTING & NOT KEPT IN NH.  
ANSWER - NO FACILITIES.

REP SETH COHN - TESTIMONY  
AMENDED BILL FOR FARMS  
ONLY (SHOULD INCLUDE OTHER  
SMALL BUSINESSES)  
- LABELING SHOULD BE INCLUDED.

REP RECK DEERMAN - TESTIMONY  
SMALL FARM PRODUCED PRODUCTS  
BETTER & HEALTHIER FOODS.

CHUCK SOUTHER - FARM BUREAU  
OPPOSE BILL AS ORIGINALLY  
WRITTEN. CURRENT SYSTEM  
WORKS, IT SUPPORTS STATE  
WIDE KNOWN GOOD PRODUCT.

PATRIOT PASTOR GARRET LEWIS  
SEN 281

OPPOSED THAT GOVERNMENT  
FEELS THEY HAVE TO PROTECT  
US. FEELS EA INDIVIDUAL  
HAS RIGHT TO BUY & SELL  
WHEN, WHAT & WHO TO BUY  
FROM. BUYER BEWARE!

CONCERNED ABOUT NH HOME  
SECURITY & AVAILABILITY  
OF FOOD IN AN EMERGENCY

JOHN DUMAIS - NH GROCERS  
ASSOC. SUPPORTS ORIG BILL.  
SUPPORTS LOCAL NH MADE  
& PRODUCED PRODUCTS.

- 40% SALES TO OUT OF  
STATE.

- BAR CODE = TRACEABILITY.  
TRACEABILITY NEEDED FOR  
CONSUMER.

- NEEDS LABELS.

WENDY RODGERS - SPOKE  
TO RAISING CHILDREN ON  
FARM & HOW REGULATIONS  
CAN AFFECT SUPPORTING  
HEALTHY LIFE STYLE ON  
A FARM. (BETHSWIFT FARM)

DENA FARRAL - MUSTARD  
SEED FOOD. RAISE &  
PRODUCE OWN PRODUCTS  
TO EAT & TO SELL.  
SUPPORTS BILL (W) AMEND.

EDWARD NASON - MOOSE  
RUT FARM.

STARTED PRODUCING GOODS  
FOR FAMILY USE. AS  
COSTS ↑, NEED TO SELL  
EXCESS. REGULATIONS  
CAUSE MAJOR CONCERNS.  
SUPPORTS BILL.

BILL TO AG POLICY COMM.



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1402

**BILL TITLE:** (New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors.

**DATE:** March 6, 2012

**LOB ROOM:** 302      **Time Public Hearing Called to Order:** 1117

**Time Adjourned:** 1205

(please circle if present)

**Committee Members:** Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meader, Gudge and Schlachman.

**Bill Sponsors:** Reps. Comtois, Groen, S. Palmer and Okerman

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Guy Comtois, prime sponsor** – Opened the bill. Bill exempts individuals from licensing of sales that are under \$10,000 and sales and from individuals home. Bill places a label on product. The industry it is exempt from licensing.

**Rep. Dave Babson** – Supports bill. Has supported issues presented in the bill for several years; advocate for buy local. Urges us to support bill as is.

**Rep Bob Haefner, Chairman of the Environment & Agriculture Committee** – Spoke in support of the bill. All parties are supporting the bill.

**\*Kate Frey, DHHS-OPHS** – Supports the bill. Bill has the support of the Health & Human Services Department. Read from prepared statement; copy in file.

**Wendy & Keely Rodgers, 4-H members from Wolfeboro, NH** – Support the bill. Read from a prepared statement. Wendy is a 4-H member and is 14-years-old; she will be 15 tomorrow March 7, 2012. Wendy Rodgers, Keely's mother, supports the bill. Approximately 9 million people in this country drink raw milk.

**Kathy Wotton of Wotton Farm, Microfarmers of NH** Supports the bill. Owns small farm in Ossipee with two milk cows. Believes bill will be very beneficial to the public.

**Rep. Dave Knox** – Supports the bill. Member of the Environment and Agriculture Committee.

Garrett Lear, The Patriot Pastor of Sanbornville, NH – Supports the bill and amendment. Read from Declaration of Independence, state constitution and biblical selections. Small farms need ability to sell local products.

Charles Farrell of Wolfeboro – Supports the bill. Owns Mustard Seed Farm. Stressed freedom of choice to eat what we want.

JB Brown of Wolfeboro – Supports the bill. Works on a farm in Wolfeboro. Will soon be milking three cows and this bill gives us the feasibility to produce butter and cheese and we can store it for periods when production is slow.

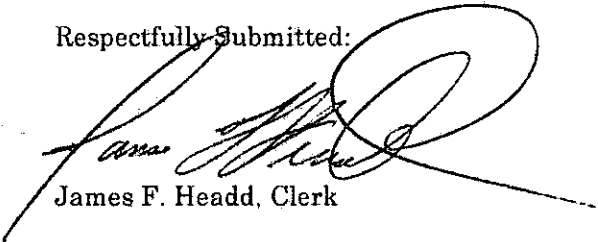
Dina Farrell of Wolfeboro – Owns Mustard Seed Farm. Hopes to be milking 3 cows very shortly; bill is important to them because it allows them to sell home baked goods milk and milk production.

Bob Streeter of Tamworth – Supports the bill. Has a small farm and produces milk and milk products plus maple syrup. Has three cows and provides for himself and family. Bill will foster local agriculture.

Ruth Holmes, Sunnyfield Farm in Peterborough – Supports bill. Believes a higher dollar limit would be good. \$10,000 is a good start would like thus to be a full time job. Today farmers need a second job to make a living; would like limit to be \$50,000.

Steve Alman of Canterbury – Supports the bill. Left before he could testify.

Respectfully Submitted:



James F. Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1402

BILL TITLE: (New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors.

DATE:

LOB ROOM: 302

Time Public Hearing Called to Order: 11/17

Time Adjourned: 1205

(please circle if present)

Committee Members: Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meader, Gidge and Schlachman.

Bill Sponsors: Reps. Comtois, Groen, S. Palmer and Okerman

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep Guy Comtois - prime sponsor opened B.1!  
Bill exempts individuals from licensing if sales are under \$10,000 and sales are from individuals home -  
Bill places a ~~label~~ label on product industry it is exempt from licensing

#2 Rep Dave LABON - supports bill - has supported issues presented in the bill for several years - Advocate for Buy local -  
Urges us to support Bill as is

#3

Rep Bob Hoefner - chair of the  
Environment & Agriculture Committee  
Spoke in support of the Bill.  
all parties are supporting the  
Bill

#4

Kate ~~Frege~~ <sup>Frege</sup> - Dep of HHS -  
supports the Bill -  
Bill has the support of the Health  
W. Hummer Service  
Read from prepared statement -  
copy in FILE

#5 & 6

Wendy Rodgers along with Keely  
Rodgers - supports Bill  
~~Keely~~ ~~Keely~~ ~~Keely~~ a prepared statement  
Wendy is a 4-H member and is  
14 years old - she will be 15  
tomorrow 7 March 2012

Wendy Rodgers - Keely's mother  
supports Bill - approximately  
9 million people in the county drink  
~~raw~~ Raw milk

#7

Kathy Wotton - supports Bill -  
owns small farm in Osage with 2  
milk cows - believes Bill will be  
very beneficial to the public

# 9

Rep David Kniss - on E & A Committee  
Supports Bill -

# 9

Barnett Leav - The Patriot  
Poster - Supports Bill and  
Amendment - Read from Declaration  
of Independence - State constitution - I  
biblical selections - Small Farms  
need ability to sell local products

# 10

Charles Farrell - own  
Mustard Seed Farm in Waterloo  
Supports Bill - stressed freedom  
of choice to eat what we want -

# 11

J. R. Brown - supports Bill -  
works on a farm in Wellboro -  
will soon be milking 3 cows and  
the Bill gives us the flexibility to  
produce butter & cheese and we can  
store it for periods when production  
is slow

# 12

Dina Farrell - own - mustard seed  
farm - Hopes to be milking 3 cows  
very shortly - Bill is important to them  
because it allows them to sell home baked  
goods - milk & milk products

#12

Bob Halseter - from Tamworth  
has small farm and produces  
milk & milk products. Plus <sup>more</sup> syrup  
has 3 cows and provisions for  
himself and family -

Bill Wil Foster - local agriculturist

#14

Ruth Holmes -

Sunnyfield farm in Peterboro  
Supports bill. believes a  
higher \$ limit would be good -  
\$10,000 is a good start - would  
like this to be a full time job  
Today Farmers need second job to  
make a living - would like limit  
to be \$50,000

#15

Steve Alman - left paper  
he testified

# Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** (New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors.

**DATE:** 3-20-12

**Subcommittee Members:** Reps. Banking/Business Div.

**Comments and Recommendations:** ...business opportunities for local farmers...

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep. Coffey *OTP*

Seconded by Rep. Schlachman

Vote: 8-0

Respectfully submitted,

Rep. Jennifer Coffey  
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** (New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors.

**DATE:** 3-20-12

**Subcommittee Members:** Reps.

**Comments and Recommendations:**

A business opportunity for local farmers

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

copy

Seconded by Rep.

sinthreanu

Vote:

OTP - 8-0

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

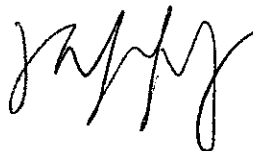
Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk



# Sub-Committee Minutes

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** January 17, 2012

**Subcommittee Members:** Reps. Sad, Groen, Owen, O'Connor, Mecheski, Comtois, Powers, Smith, and Palmer

**Comments and Recommendations:** Opened and needed to recess due to the absence of the chair.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Bob Haefner  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** 1/17/12

**Subcommittee Members:** Reps. Jvd, Groen, Owen, O'Connor, Mechesko, Combs, Powers, Smith, + Palmer

**Comments and Recommendations:** Opened + needed to recess due to the absence of the Chair.

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. *Bob Haefner*  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** January 25, 2012

**Subcommittee Members:** Reps. Sad, Groen, Owen, O'Connor, Mecheski, Comtois, Smith, and Palmer

**Comments and Recommendations:** Also present: Knox, Haefner, Sheffert, and Townsend. Rep. Comtois will work on amendment with HHS approval. Please see attached notes.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Suzanne Smith  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** January 25, 2012

**Subcommittee Members:** Reps. Sad, ~~Green~~, Owen, O'Connor, Mecheski, Comtois, Smith, and  
~~Palmer~~

*Knox, Haefner, Sheffert, Townsend*

**Comments and Recommendations:**

*Rep Comtois will work on amendment w/HHS approval.*

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk



**HB1402 Subcommittee worksession 1/25/12**

**With possible amendment 2012-0141h**

**Farmers who have spoken with Rep. Comtois are happy selling on the farm only. Selling at farmer markets is secondary.**

**He believes shouldn't have to have a license if selling on farm.**

**COMTOIS: Bill is to help farmers get started.**

**SAD: Raw milk sale from farms was increased at last session to 20 gallons. People in dairy industry had concerns that even licensed dairies will be affected negatively if someone has a negative health response with raw milk or raw milk product.**

**Other problems with illnesses with other raw milk products – besides the actual milk (yogurt, cheese, kefir).**

**Rep. O'Connor: Dairy microbiologist concern b/c of fresh raw milk products – fresh cheeses . aged is okay. 60-65 days aged. Pathogens.**

**Smith: disagrees with the Committee part of the bill – this should be handled separately. Agrees with not selling fresh raw milk products – unaged cheese.**

**Rep. Knox agrees.**

**Rep. Haeffner – Yesterday we discussed the Commerce in food/Food freedom bill. He thinks we should only be discussing this bill HB1402 and drop the commerce bill.**

**He is concerned about amendment – agrees should not have committee in this bill. Oversight of agriculture department should not come out of this committee.**

**Rep. Comtois spoke with Rep. Davenport about dropping his bill (Commerce in food) and he appeared to be okay with that – encouraging local his desire.**

**We all want to encourage and make food from the farm less regulated . Not counting dairy.**

**Rep. Townsend: He agrees with basic premise but not with wording. Products should state list of ingredients and name of farm and contact information for farm.**

**Tractor insurance – Comm. Merrill will be meeting with Insurance Dept to figure out why we have this rule and what we can do about it.**

**Rep. Sad asks if we need to have signage that the farms are not inspected. With milk signage says not pasteurized – it doesn't say that farm isn't inspected.**

**Farm in Wolfeboro received a cease and desist RSA 184:30 A. 184:84 says they have to have a license if they have a dairy plant. They were advertising other than raw milk. Raw milk PRODUCTS under RSA 184, they need a license.**

**HHS: 184:79 any place milk is processed stored, packaged. So if process milk into butter, kefir, yogurt – needs licensure.**

**If only selling raw milk no license needed.**

**What involved in licensing of dairy producer?**

**Raw milk aged cheese, facility would need to pass inspection. Impervious floor, place to process cheese not in their house. Someplace to age cheese.**

**If fresh cheese it needs to be pasteurized.**

**Okay for them to follow 184::84 to include 20 gallons and sell aged cheese at least 60 days and could add yogurt and kefir too.**

**Frei – department okay with aged cheese without a license. Yogurt and kefir – not talking about processing.**

**184:30-a –**

**184:84 OPERATOR**

**184:79 MILK PLANTS**

**Rep. O'Connor – concern about bacteria in yogurt vs. listeria and similar bad bacteria.**

**HHS – they would like to see what comes out of this and then can weigh in and offer suggestions.**

**Rep. O'Connor- we do need to work with HHS on this.**

**Frei: we have to make sure that in homestead kitchens – maybe according to how much produced with or without licensure. If want to sell retail they would have to be licensed.**

**SADD: she thinks we are addressing sales to consumer. To farmers, are we looking at \$10,000 and what do they think? Department is thinking cookies, janes jellies, breads – 10,00 and others.**

**What kind of evidence to prove under \$10,000 per year. Over 10,000 would you inspect? It would have to be honor system. Without license no way to inspect. Department does not have resources to enforce.**

**For homesteader, labeling: name of farm, product, ingredients. Should say made in the home.**

**Jar of jam with a label. Bread the label could be on the case.**

**Rep. O'Connor: Re marketing, ingredient labeling could benefit farmer and consumer.**



**Comtois:** Fine with dropping second half of bill since we have dealt positively with first part of bill.

**Rob:** Tractor insurance is not required in NH. One year ago, Farm Family Insurance had their products reviewed. State insurance department said that tractor cannot be insured under their new homeowner's policy. If farmers want tractors on the road, they need to be covered under commercial auto policy.

**Haefner:** To clarify, are we going back to original bill or drop the committee part out of the bill?

**Sadd:** Yes, we are only dealing with homemade food and raw milk products.

**Rob:** Farm Bureau is hearing from farmers who think they have liability insurance on their tractors under their homeowner's policy.

**Rob:** we would support discussion with insurance department and he doesn't know if legislation is needed.

**Commissioner Merrill:** we need to identify the real problem. What do people want and what is really required?

**A milk producer distributor who produces less than 172 pounds (20 gallons) daily who sells that milk or processes it into aged 60 days or more cheese, yogurt or kefir shall not require a milk distributor license.**

**Frei:** What about butter? So far not a lot of issues.

**In milk the bacteria is in the fat. Only a few sticks a day.**

**Rep. Owen says Farm Family Insurance will no longer cover farms that sell raw milk.**

Suzanne

Suzanne J. Smith RSHom (NA), CCH  
Classical Homeopathy & Nutrition Counseling  
20 Brookside Lane  
Hebron, NH 03241  
603-744-9064



# CITY OF PORTSMOUTH

Health Department  
(603) 610-7273

Kim McNamara, Health Officer

January 23, 2012

The Honorable Robert Haefner  
Chairman, House Environment and Agriculture Committee  
107 North Main Street  
Concord, New Hampshire, 03301

**RE: HB 1402**

Dear Chairman Haefner and Members of the Committee:

I apologize for being unable to testify in person on this proposed legislation. Please accept this letter voicing concern with HB 1402, which exempts producers of homemade food from licensure by NH Health and Human Services. This bill poses serious human health risks and is in conflict with every principle, practice and generally recognized food standard that protects public health.

Producing foods in a home that may be shared with ill persons, pets, children and others who are not trained or practiced in food safety principles and sanitation is a recipe for the occurrence of food born illness. Under state and federal regulation in no circumstance is an ill food handler allowed in a food service facility exactly because of the well-established ability to transmit certain diseases through food. Homestead kitchens are unable to safeguard against this situation. Additionally, home standard kitchens lack the proper equipment for cleaning and sanitizing, and are not built and certified to safely reach and retain necessary safe temperatures under heavy use.

Great strides toward a safer food supply have been made in this country over the last century specifically due to a body of regulation ensuring uniformity to the principles of food safety. These standards are scientifically based on the knowledge of the principles of microbiology, human physiology, and cross contamination. Licensing and inspection services provide food safety education and a system of checks and balances. There is no assurance that persons producing foods under this proposed act would understand basic food safety and sanitation principles.

Additionally, the Food and Drug Administration (FDA) Food Code, which is the backbone of all state and municipal food codes in NH, specifically requires foods for sale be from an "approved" source. "Approved" is defined as "acceptable to the regulatory authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health." The Food Code specifically states that a food establishment does not include a kitchen in a private home.

This bill would allow anyone -- regardless of sanitation levels in living conditions or facilities and regardless of knowledge levels about food borne illness transmission and food safety principles -- to prepare food in their home and sell it to an unsuspecting public. There is a public expectation that foods offered for sale have the benefit of oversight, and this bill would remove all oversight in these circumstances. Public health is most effective when its aim is prevention. Once food borne illness has occurred it is not just the physical recovery from the infection/poisoning/allergic reactions that is important, but often lifetime adverse health consequences occur. Again, HB 1402 is in conflict with the FDA Food Code, He-P 2300 -- the New Hampshire Rules for the Sanitary Production and Distribution of Food, and every acceptable food safety practice, principle, and generally recognized standard of food safety.

Sincerely,

Kim McNamara  
Health Officer

1 Junkins Avenue  
Portsmouth, New Hampshire 03801  
Fax (603) 427-1593

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** January 31, 2012

**Subcommittee Members:** Reps. ~~Sad, Green, Owen, O'Connor, Mecheshi, Comtois, Smith,~~ and ~~Palmer, Haefner, and Babson~~

**Comments and Recommendations:** Please see attached notes. Additional subcommittee meeting requested for Thursday, February 3<sup>rd</sup>.

**Amendments:**

Sponsor: Rep. Comtois OLS Document #: 2012 0467h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,



Rep. Stephen Palmer  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

BILL TITLE: relative to the sale of homemade food.

DATE: January 31, 2012

Subcommittee Members: Reps. Sad, Groen, Owen, O'Connor, Mecheski, Comtois, Smith, and Palmer. HAFENSB BABSON

Comments and Recommendations:

Amendments:

Sponsor: Rep. COMTOIS

OLS Document #: 2012-04676

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

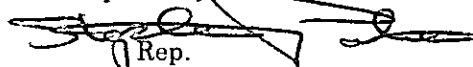
Moved by Rep.

Seconded by Rep.

Vote:

ADDITIONAL SUBCOMMITTEE MEETING

Respectfully submitted,

  
Rep.

Subcommittee Chairman/Clerk

REQUIRED FOR

THURS 2/3

HB1402 SUB COMMITTEE

AMMEND 2012-0467H DEFERRED AS  
REPLACEMENT TO BILL.

2 WRITTEN TESTAMONIES

JULIE THIBODAU - OPPOSES BILL  
DUB FAIS (LANDOFF CREAMERY) -  
OPPOSES BILL

ADDITIONAL CHANGES REQUIRED  
MEANING NEW AMENDMENT.

STRAW VOTE 7 FOR 0 AGAINST  
BILL @ ADDED CHANGES.

To Whom It May Concern,

My name is Julie Thibodeau. My husband, Michael, and I own and operate Country Critters Farm, LLC in Winchester, NH. We are licensed by the State of NH. We make farmstead goat cheeses from the milk of our own goats. We are licensed to make fresh cheese, which requires pasteurization, and raw aged cheese, which is required to age 60 days.

We feel the State Regulations in regards to selling any food product made on a Homestead/Farmstead should remain as is. They are necessary for public safety.

*Producing cheese should not be viewed as a hobby. It's a profession. A profession that can impact the health of the public should be licensed. Cheese making is a lot more than just mixing in a culture and/or rennet and hope that the bad bacteria doesn't take over.*

As Licensed Professional Cheese Makers we have knowledge, accountability and product traceability, with regular inspections; plant, farm and equipment tests, cheese production records, milk and product testing for dangerous pathogens/antibiotic residual, and specialized equipment to ensure to deliver a safe product.

I would like to share an eye opening experience for us. We had a goat with mastitis, not uncommon for dairy animals. We purchased an intramammary antibiotic treatment, commonly found at feed stores, called "Today". "Today" is labeled for milking cows, we were told by our Vet to administer 1/2 tube in each teat, once a day for two days and double the withdrawal time. Thankfully, we were required to have an antibiotic test kit because it took even longer to leave her system! Although rare, there have been incidents where livestock feed is mislabeled at a feed mill, or, more commonly, tags have been ripped off of bags at feed stores and

someone unknowingly feeds a medicated grain.

My husband and I have made a substantial investment into this business. We work hard to earn our wages. Please don't drop regulations just to appease the dash to cash in on our growing demand for local products. Allowing anyone to produce a food product without standards would be negligent.

Thank you for your consideration,

Michael and Julie Thibodeau

Country Critters Farm, LLC

290 Forest Lake Road

Winchester, NH 08470

603-831-0534



Amendment to HB 1402

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the sale of homemade food and licensing of certain milk producer-  
4 distributors.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
9 after paragraph VI the following new paragraph:

10 VII. Homestead food operations selling less than a maximum annual gross sales of \$10,000  
11 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I(a) from their home  
12 kitchen, at their own farm stand, or at a farmers markets.

13 2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as  
14 follows:

15 143-A:12 Homestead Food License Required.

16 I.(a) In this subdivision: "Homestead food operation" means a person who produces  
17 homestead food products, excluding potentially hazardous food, only in the home kitchen of that  
18 person's primary residence in New Hampshire and only for sale directly to the consumer from the  
19 homestead residence, the owner's farm stand, or at farmer's markets.

20 (b) "Potentially hazardous food" means foods requiring temperature control for safety  
21 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,  
22 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also  
23 include processed acidified and low acid canned foods.

24 (c) "Homestead food products" means all food, except potentially hazardous food, and as  
25 defined in rule by the commissioner of the department of health and human services through  
26 rulemaking under RSA 143-A:13.

27 IV. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
28 food, excluding potentially hazardous food, from their home kitchen, at their own farm stand, or at  
29 farmers markets are exempt from licensure under this subdivision.

30 V. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit or  
31 homestead food operations who wish to sell food products, excluding potentially hazardous food, to  
32 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,





1 brokers or other food distributors who will resell the homestead product shall be licensed under  
2 RSA 193-A:4.

3 VI. All products sold from the home kitchen, or farm stand of a homestead food operation or  
4 at farmers market must be labeled with the following information: name and address of the  
5 homestead food operation, name of the homestead food product, and the ingredients of the  
6 homestead product, in descending order of predominance by weight.

7 3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

8 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
9 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

10 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
11 which shall not be made in a homestead food operation.

12 II. Content and format of all labeling requirements.

13 III. Licensing requirements for homestead food operations exceeding the annual maximum  
14 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
15 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
16 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

17 IV. Content and format of all forms required under this subdivision.

18 V. Fees for non-exempt homestead food operation licenses, including application fees and  
19 fees for renewal.

20 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
21 the following new paragraph.

22 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
23 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream or Kefir  
24 shall not require a milk producer-distributor license, provided these producers are offered as direct  
25 sales from their own farm, farm stand, or at a farmers market to the food consumer with the state of  
26 New Hampshire only. The product shall be labeled with the name and address of the farm, the  
27 name of the product, and state that the product contains raw milk.

28 5 Effective Date. This act shall take effect upon its passage.



2012-0467h

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** February 2, 2012

**Subcommittee Members:** Reps. Sad, Groen, Owen, O'Connor, Mecheski, Comtois, Smith, and Palmer, and Townsend

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. Comtois	OLS Document #:	2012	0529h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 6-1

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Tara Sad  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** February 2, 2012

**Subcommittee Members:** Reps. Sad Palmer, Groen, Owen, O'Connor, Mecheski, Comtois, Smith, and Townsend

OTP-6-1

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted,  
Rep. [Signature]  
Subcommittee Chairman/Clerk



Amendment to HB 1402

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the sale of homemade food and licensing of certain milk producer-  
4 distributors.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting  
9 after paragraph VI the following new paragraph:

10 VII. Homestead food operations selling less than a maximum annual gross sales of \$10,000  
11 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I from the homestead  
12 residence, at the owners's farm stand, or at a farmers' markets.

13 2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as  
14 follows:

15 143-A:12 Homestead Food License Required.

16 I. In this subdivision:

17 (a) "Homestead food operation" means a person who produces homestead food products,  
18 excluding potentially hazardous food, only in the home kitchen of that person's primary residence in  
19 New Hampshire and only for sale directly to the consumer from the homestead residence, the  
20 owner's farm stand, or at farmers' markets.

21 (b) "Potentially hazardous food" means foods requiring temperature control for safety  
22 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,  
23 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also  
24 include processed acidified and low acid canned foods.

25 (c) "Homestead food products" means all food except potentially hazardous food, and as  
26 defined in rule by the commissioner of the department of health and human services through  
27 rulemaking under RSA 143-A:13.

28 II. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of  
29 food, excluding potentially hazardous food, from the homestead residence at the owner's own farm  
30 stand, or at farmers' markets are exempt from licensure under this subdivision.

31 III. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit  
32 or homestead food operations who wish to sell food products, excluding potentially hazardous food, to



1 restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers,  
2 brokers or other food distributors who will resell the homestead product shall be licensed under  
3 RSA 143-A:4.

4 VI. All homestead food products sold in packages from the home kitchen or farm stand of a  
5 homestead food operation or at farmers' market shall have individual labels on each package  
6 containing the following information: name, address, and phone number of the homestead food  
7 operation; name of the homestead food product; the ingredients of the homestead product, in  
8 descending order of predominance by weight; and allergy information. Such products shall also be  
9 clearly labeled with the following statement: "This product is exempt from New Hampshire licensing  
10 and inspection."

11 3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

12 143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the  
13 department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

14 I. Foods which may be made in a homestead food operation and potentially hazardous foods,  
15 which shall not be made in a homestead food operation.

16 II. Content and format of all labeling requirements.

17 III. Licensing requirements for homestead food operations exceeding the annual maximum  
18 gross sales limit or homestead food operations who wish to sell food products, excluding potentially  
19 hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order,  
20 or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

21 IV. Content and format of all forms required under this subdivision.

22 V. Fees for non-exempt homestead food operation licenses, including application fees and  
23 fees for renewal.

24 4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV  
25 the following new paragraph.

26 V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk  
27 or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter,  
28 or kefir shall not require a milk producer-distributor license, provided these products are offered as  
29 direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food  
30 consumer within the state of New Hampshire only.

31 (a) Any product containing raw milk from the milk producer-distributor's farm or farm  
32 stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by  
33 the producer-distributor, the individual container shall have a label which contains the name,  
34 address, and phone number of the milk producer-distributor's farm; the name of the product; and the  
35 following statement: "This product is exempt from New Hampshire licensing and inspection."

36 (b) A milk producer-distributor selling raw milk products under this paragraph shall  
37 place a sign at the point of sale which contains the name, address, and phone number of the milk



Amendment to HB 1402

- Page 3 -

- 1 producer-distributor's farm; and the following statement: "Products from this farm containing raw
- 2 milk are exempt from New Hampshire licensing and inspection."
- 3       5 Effective Date. This act shall take effect upon its passage.



2012-0529h

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.



# Testimony

## **Homestead Food License**

### **143-A:12 Homestead Food License Required.**

I. In this subdivision, "homestead" means a residential, non-commercial kitchen where home-made foods are manufactured or processed, or both, primarily for retail sales at farmers' markets, farm stands, or residences.

II. There is hereby established a 2-level homestead license. Fees for each level shall be established by rule under RSA 143-A:13, V and shall not exceed the cost of license processing. It shall be unlawful for a processor or a manufacturer to operate a homestead without a homestead license as required under this subdivision. The commissioner and the commissioner of the department of agriculture, markets, and food shall administer the homestead licensure required under this subdivision.

Source. 2006, 133:2, eff. Jan. 1, 2007. 2009, 144:205, eff. July 1, 2009.

**143-A:13 Rulemaking.** – The commissioner, in consultation with the commissioner of the department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

I. The 2 levels required for the homestead license pursuant to RSA 143-A:12.

II. The application process for the homestead license.

III. The training and certification for processors and manufacturers of home-made foods in a residential, non-commercial kitchen.

IV. Content and format of all forms required under this subdivision.

V. Fees for level 1 and 2 licenses, including application fees and fees for renewal.

Source. 2006, 133:2, eff. Jan. 1, 2007. 2009, 144:206, eff. July 1, 2009.

To Whom It May Concern:

January 9, 2012

I am 53 years-old, married with two teenagers, and have been farming in Tamworth for a dozen years. I have given up carpentry during the last few years, and am trying to survive as a fulltime farmer. We produce maple syrup, beef and vegetables, but we predominantly rely on three milk cows for much of our income. We have approximately 75 customers who rely on us for raw milk, yogurt, kefir, buttermilk, and soft cheeses. I also co-founded and manage the very successful Tamworth Farmers' Market, where our goods also have a loyal, local following.


This past summer I was ordered by the state to cease and desist production of any value added dairy products until I came into compliance with state law. They informed me only 20 gallons of raw milk could be legally sold each day at our uninspected farm... After meeting with state inspectors, I discovered that coming into compliance would cost tens of thousands of dollars in carpentry, electrical, and plumbing fees, including the purchase of thousands of dollars of new equipment.

We are what is commonly referred to as a micro-dairy, keeping just a few cows with hopes of making more money on the value added products. It is impossible to make any money on three cows by only selling milk. We need the value added products to have any chance at paying our bills. And on our tiny scale we can't possibly afford to make all of the expensive modifications required by the state. If 20 gallons a day of raw milk is already allowed from uninspected farms, it seems only reasonable and fair to include value added products so the new wave of small farmers have a fighting chance.

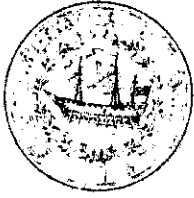
Products from these micro-dairies are nearly all consumed by grateful local families and not distributed far and wide, and therefore any problem can be easily contained. Perhaps a good compromise would be to make the products of these micro-dairies subject to the usual monthly testing of bigger dairies, and if our current practices produce healthy products that pass inspection, than so be it. Producing a safe product is what really matters, and there are many ways to do that, especially on a small scale.

It is my hope that outdated and out of proportion regulations will not be allowed to stifle the local distribution of very healthy food by a new movement of small farmers. People are more and more fearful of food from corporate industrial farms, and all of us should share the goal of encouraging, not discouraging, more of these small, neighborhood farms with just a few cows.

Respectfully submitted,



Robert Streeter  
133 Pease Hill Road  
Tamworth, NH 03886



Nicholas A. Toumpas  
Commissioner

José Thier Montero  
Director

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

29 HAZEN DRIVE, CONCORD, NH 03301-6527  
603-271-4549 1-800-852-3345 Ext. 4549  
Fax: 603-271-8705 TDD Access: 1-800-735-2964



**Testimony on House Bill 1402  
January 10, 2012**

My name is Michael Dumond, Bureau Chief for the Bureau of Public Health Protection with the Division of Public Health Services (DPHS). The Food Protection Section is within DPHS under the Bureau of Public Health Protection.

The NH Department of Health and Human Services Division of Public Health Services is opposed to HB 1402 as it is currently written.

The proposed bill repeals RSA 143-A:12-13, the current Homestead licensing statute and exempts producers of homemade food from licensure and inspection by the DHHS DPHS Food Protection Section.

The way the bill is currently written does not make any restrictions on the type of food made in home kitchens and would allow the sale of any home made food to consumers. Without limiting the types of food that can be made in a home kitchen, this would allow any person--whether they have any food safety knowledge or not--to prepare any food for sale including meat products, pickled products, or canned foods, etc.

The bill does specify that the makers of homemade food would need to inform the customers that the product they are buying is neither licensed nor inspected by the DHHS. The bill **does not** specifically identify how the customers will be notified or who will be responsible for insuring that appropriate notification is done.

The DHHS DPHS is opposed to this bill for the following reasons:

1. RSA 143-A:12 and 13 in its current form already allows people to make non-potentially hazardous food in their homes and sell it to consumers. Potentially hazardous food is not allowed to be made in a homestead kitchen. A potentially hazardous food is food requiring temperature control for safety because the food is capable of supporting the rapid growth of pathogenic or toxigenic microorganisms or the growth of toxin production of *Clostridium botulinum*--the bacteria that causes botulism.

Current homestead licensees are making items like jams, jellies, double crusted fruit pies, cakes (including wedding and birthday cakes), cookies, brownies, breads, muffins, scones, biscotti, whoopie pies, tarts, packaged spice blends, dry mixes (soups and dips), roasted coffee, candy, chocolates, caramels, lollipops, fudge, popcorn, granola, vanilla, olive oil (rebotting), acid foods after a process review including BBQ sauce, hot sauce and mustards. There are 2 levels of licenses and a level 2 license allows the licensee to sell their products at retail stores. Currently there are 250 Level 1 homesteads and 75 Level 2 homestead licensees. 94 new licenses were issued last year. License applicants provide information about the types of products they wish to make and how they will produce the food safely in

their kitchens. Before a license is issued a Food Protection inspector conducts an inspection and also provides basic food safety education to the applicant.

2. The bill does not limit the production of food in a home kitchen to non-potentially hazardous food. Home kitchens, with their varieties of food and open entry to humans and pet animals, are frequently implicated in the microbial contamination of food. Because commercial items seldom are eaten right away, the home kitchen's limited capacity for maintaining food at proper temperatures may result in considerable microbial growth and toxin production by microorganisms introduced through the diverse sources of contamination. Controlled processing is required for the safe preparation of food entering commerce. Potentially hazardous food must only be made in commercial kitchens to minimize the risk of foodborne pathogens.
3. The bill does not specify exactly how consumers should be notified if a food is made in an unlicensed uninspected kitchen. If the intent is for each food product to have a specific label on it, who will be responsible for developing the specifications for this labeling and enforcing that the products are labeled? Are there other ways of communicating this information to consumers? And if this food is sold for use in restaurants, is it the restaurant's responsibility to notify the consumer that food from an unlicensed uninspected kitchen is being used in their menus? There are no rulemaking provisions for this information.
4. The bill has no limits for what quantity of food can be produced in a home kitchen. This means there are no requirements for the products to be made in a commercial kitchen even if the home business grew exponentially.
5. The bill does not give authority to DHHS Food Protection to conduct an investigation including an inspection of the home kitchen if there is a foodborne disease outbreak related to a homemade product.

An example of an outbreak caused by a homemade food occurred in 2005 when a sandwich maker in Manchester, NH made pulled pork sandwiches in his home kitchen and brought them to a Bedford, NH business. In this outbreak, 23 of 29 at the business became ill after eating the homemade sandwiches including the sandwich maker and his wife. Twenty-one of these people went to the hospital. The investigation of how the sandwiches were made showed that the pork roast had been inadequately cooked and was not cooled properly due to unsafe procedures and not having proper refrigeration temperatures. This temperature abuse allowed for the growth of the of *Staphylococcus aureus* enterotoxin that make the people ill. A summary of this case is available upon request.

Public Health is in the business of prevention. Understanding and preventing the growth and survival of pathogens that can cause foodborne illness is complex and varies with the type of food, the organism and other factors. Our opposition to this bill arises not from the good intentions of the proponents, but solely from our strongly held belief that opening the door for homemade foods to be made without any oversight will lead to increased cases of sickness and even potential death of the consuming public.

Although the intention of this bill may be to reduce costs and barriers for the sale of home produced food products, the modest savings would be potentially replaced by increased costs to consumers who become ill from eating foods that are not prepared using safe practices. In 2001 CDC estimated that each year 1 in 6 Americans (or 48 million people) get sick, 128,000 are hospitalized, and 3,000 die of foodborne illnesses. New Hampshire estimates are also available. The annual cost in terms of pain and suffering, reduced productivity, and medical costs are estimated to be \$10-\$83 billion. The FDA Model Food Code notes that home kitchens, with their

varieties of food and open entry to humans and pets, are frequently implicated in the microbial contamination of food. Controlled processing is required for the safe preparation of food entering commerce.

Thank you for this opportunity to address the committee on this bill. I have two staff members from the Food Protection Section here today (John Sieferth and Colleen Smith) and we can answer any follow-up questions you may have.

## LETTER OF DISCLAIMER BY NH HEALTH OFFICER ASSOCIATION



Where as the New Hampshire Health Officer Association (NHHOA) having received formal training in the mechanisms of foodborne illness and educated its members with information gleaned from research conducted by the Center for Disease Control (CDC) and statistical conclusions of FOODNET, has mentored a focused energy toward prevention of food borne disease.

The NHHOA hereby disavows any actions currently being taken by State of NH, to wit, HB 1650 "Food Freedom Act" and HB 1402 "An ACT relative to the sale of homemade food" and all other 'Bills' presented to the legislature at a later date, that reflect indifference to, or ignorance of, the preponderance of knowledge assembled by the scientific community that has identified the causal connection between improper food handling practices and the need for regulatory inspection by Federal, State or local jurisdictions, to ensure compliance.

The NHHOA hereby exonerates its membership from any responsibility, financial or otherwise, for any foodborne illness occurrence that develops in any food vendor exempted by the passing of said BILLS.

The NHHOA indemnifies its membership from liability for the occurrence of foodborne illness in any facility exempt from the inspection process, should these or BILLS similarly focused, pass.

Anyone who develops foodborne illness subsequent to ingesting food from an exempted facility should contact the sponsors of the BILL and the Environment and Agriculture Committee.

SPONSORS: Rep. Davenport, Rock 12; Rep. Manuse, Rock 5; Rep. Mauro, Rock 4; Rep. Terrio, Hills 14; Rep. Bowers, Sull 3; Sen. Forsythe, Dist 4

SPONSORS: Rep. Comtois, Belk 5; Rep. Groen, Straf 1; Rep. S. Palmer, Hills 6; Rep. Okerman, Rock 4

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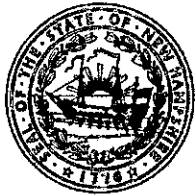
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Nicholas A. Toumpas  
Commissioner

José Thier Montero  
Director

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

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House Commerce Committee  
Testimony on House Bill 1402  
March 6, 2012

My name is Kate Frey, and I am the Legislative Liaison for New Hampshire Division of Public Health Services (DPHS) within the Department of Health and Human Services, which oversees the Food Protection Section.

I am here today to speak in support of HB 1402, relative to the sale of homemade food and licensing of certain milk producer-distributors, as amended in the House Environment and Agriculture Committee. The Division worked closely with the bill sponsor, the Environment and Agriculture committee, and constituents to make HB 1402 an effective piece of legislation which reduces the regulation of homemade foods and certain dairy products while balancing food safety concerns. This a timely topic considering this committee had related conversations when discussing HB 234, relative to food protection, last fall.

This bill exempts certain homestead food operations and homestead food products from licensure by the department. It also allows for direct sales of raw milk products without a milk producer-distributor license for certain small-scale dairy producer-distributors.

The following changes included in HB1402 are;

- Under RSA 143-A:5, an exemption is added to the Food Service Licensure statute to allow homestead food operations selling less than \$10,000 in annual gross sales, of non-potentially hazardous food from the homestead residence, farm stand, or at a farmers' markets. Examples of non potentially hazardous foods include; jams, jellies, double crusted fruit pies, cakes (including wedding and birthday cakes), cookies, brownies, breads, muffins, scones, biscotti, whoopie pies, tarts, packaged spice blends, dry mixes (soups and dips), roasted coffee, candy, chocolates, caramels, lollipops, fudge, popcorn, granola, vanilla, olive oil (rebottling), hot sauce and mustards.

Currently there are 2 levels of homestead licensure. Level 1 allows non-potentially hazardous food to be sold at the license holder's residence, farm stand or farmers market. Level 2 licenses allow the licensee to sell their products at retail stores and restaurants. Under HB 1402 those producers who have sales under \$10,000 and wish to only sell their product from their homes, farms or farms stands, do not need to obtain a license.

- Requires homestead food operations that exceed the \$10,000 maximum annual gross sales limit or wish to sell food non-potentially hazardous foods products at retail to be licensed under RSA 143-A:4.
- Under RSA 143-A:12, the bill defines foods that are potentially hazardous food and therefore are not allowed to be made in a homestead kitchen. A potentially hazardous food is food requiring temperature control for safety because the food is capable of supporting the rapid growth of pathogenic or toxigenic microorganisms or the growth of toxin production of *Clostridium botulinum*—the bacteria that causes botulism.

- Amends RSA 184 to allow milk producer-distributors who produce for sale milk products made from less than 20 gallons of raw milk; such as cheese aged at least 60 days, yogurt, cream, butter, or kefir to do so without a license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the consumer and within the state of New Hampshire only. The current law only allows for the sale of raw milk under these circumstances. HB 1402 allows for the sale of other raw milk products with a license.
- Both raw milk and homestead food will be required to meet labeling requirements outlined in HB 1402, including a statement that these products are exempt from New Hampshire licensing and public health inspection.

This legislation does not eliminate licensing entirely and if a producer wishes to be licensed they can do so. The intent of the legislation is to enable micro farmers to pursue entrepreneurial efforts without having to spend a considerable amount of money to comply. The Division is supportive of these efforts provided the consumer is aware the products are exempt from licensing and inspection.

Thank you for this opportunity to address the committee on this bill. I have a staff member from the Food Protection Section here today, Colleen Smith, and we can answer any follow-up questions you may have.

# Voting Sheets

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1402

**BILL TITLE:** relative to the sale of homemade food.

**DATE:** February 7, 2012

**LOB ROOM:** 303

**Amendments:**

Sponsor: Rep. Comtois OLS Document #: 2012 0624h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Comtois

Seconded by Rep. Groen

Vote: 13-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Townsend

Seconded by Rep. Groen

Vote: 13-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Steve Palmer, Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1402

BILL TITLE: relative to the sale of homemade food.

DATE: 2-7-12

LOB ROOM: 303

Amendments:

Sponsor: Rep. Comtois

OLS Document #: 0624h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions:

~~OTP~~ OTP/A, ITL, Interim Study (Please circle one.)

OTP/A

Moved by Rep. Comtois

moved

Seconded by Rep. Groen

Vote: (Please attach record of roll call vote.) 13-0

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Townsend

Seconded by Rep. Groen

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
Rep. Steve Palmer, Clerk

Emmanne Smith

**ENVIRONMENT AND AGRICULTURE**

Bill #: 1402 Title: relative to sale of homemade food

PH Date:      /      /     

Exec Session Date: 2, 7, 2012

Motion: \_\_\_\_\_

Amendment #: 0624h

MEMBER	YEAS	NAYS
Haefner, Robert H, Chairman	✓	
Groen, Warren J, V Chairman	✓	
Messier, Irene M	—	
Babson, David L	✓	
Knox, J. David	✓	
Gandia, Laura J	—	
Palmer, Stephen J, Clerk	—	
Comtois, Guy	✓	
Malone, Robert J	—	
Mecheski, Holly L	✓	
O'Connor, John T	✓	
Sheffert, Kenneth W	✓	
Swank, Matthew J	✓	
Sad, Tara A	✓	
Owen, Derek	✓	
Powers, James F	—	
Smith, Suzanne J	✓	
Townsend, Charles L	✓	
	13	0

**ENVIRONMENT AND AGRICULTURE**

Bill #: 1402 Title: Homemade food

PH Date: 1/1 Exec Session Date: 2/7/12

Motion: O/P/A Amendment #: 0624h

MEMBER	YEAS	NAYS
Haefner, Robert H, Chairman	✓	
Groen, Warren J, V Chairman	✓	
Messier, Irene M	-	
Babson, David L	✓	
Knox, J. David	✓	
Gandia, Laura J	-	
Palmer, Stephen J, Clerk	-	
Comtois, Guy	✓	
Malone, Robert J	-	
Mecheski, Holly L	✓	
O'Connor, John T	✓	
Sheffert, Kenneth W	✓	
Swank, Matthew J	✓	
Sad, Tara A	✓	
Owen, Derek	✓	
Powers, James F	-	
Smith, Suzanne J	✓	
Townsend, Charles L	✓	
	13	0



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1402

**BILL TITLE:** (New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors.

**DATE:** 3-20-12

**LOB ROOM:** 302

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Nevins

Vote: 13-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Chris Nevins, Acting Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1402

BILL TITLE: (New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors.

DATE: 3-20-10

LOB ROOM: 302

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. CORCOR

Seconded by Rep. NEUAS

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB1400 Title: sale of homemade food & licensing of certain milk products-distributors  
 PH Date: 3 / 20 / 12 Exec Session Date: 3 / 20 / 12

Motion: Carroll OTP Amendment #: —

MEMBER	YEAS	NAYS
Hunt, John B, Chairman	✓	
Coffey, Jennifer R, V Chairman	✓	
Belanger, Ronald J	—	
Flanders, Donald H	✓	
Quandt, Matt J	✓	
Headd, James F, Clerk	—	
Nevins, Chris F	✓	
Palfrey, David J	✓	
Sullivan, James M	✓	
Bergevin, Jerry E	✓	
Manuse, Andrew J	✓	
Mauro, Donna C	✓	
McGuinness, Sean M	✓	
Rice, Frederick C	✓	
Taylor, Kathleen N	✓	
Meader, David R	—	
Gidge, Kenneth N	✓	
Schlachman, Donna L	✓	
TOTAL VOTE:	13-0	

# Committee Report

**CONSENT CALENDAR**

**February 8, 2012**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on ENVIRONMENT AND  
AGRICULTURE to which was referred HB1402,

AN ACT relative to the sale of homemade food. Having  
considered the same, report the same with the following  
amendment, and the recommendation that the bill  
OUGHT TO PASS WITH AMENDMENT.

**Rep. Guy Comtois**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>ENVIRONMENT AND AGRICULTURE</b>
Bill Number:	<b>HB1402</b>
Title:	<b>relative to the sale of homemade food.</b>
Date:	<b>February 8, 2012</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

This bill exempts a person who wishes to produce homestead food products such as jam, jellies, cookies, etc. from licensing up to 10,000 gross annual sale's to sell from the home, farm stand or farmer's market. Excluding potentially hazardous food, it also allows small micro farms to produce 20 gallons of raw milk or raw milk products such as aged cheese, yogurt, cream, butter and kefir. Which is legal to sell per day at present. It does not do away with licensing if a person wishes to license they can, but it does help micro farmers to start out without having to spend a considerable amount of money to comply.

Vote 13-0.

Rep. Guy Comtois  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### ENVIRONMENT AND AGRICULTURE

**HB1402**, relative to the sale of homemade food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Guy Comtois for ENVIRONMENT AND AGRICULTURE. This bill exempts a person who wishes to produce homestead food products such as jam, jellies, cookies, etc. from licensing up to 10,000 gross annual sale's to sell from the home, farm stand or farmer's market. Excluding potentially hazardous food, it also allows small micro farms to produce 20 gallons of raw milk or raw milk products such as aged cheese, yogurt, cream, butter and kefir. Which is legal to sell per day at present. It does not do away with licensing if a person wishes to license they can, but it does help micro farmers to start out without having to spend a considerable amount of money to comply. **Vote 13-0.**

Original: House Clerk  
Cc: Committee Bill File

HB 1402

OTP/A

This bill exempts a person who wishes to produce homestead food products such as jam, jellies, cookies, etc. from licensing up to 10,000 gross annual sale's to sell from the home, farm stand or farmer's market. Excluding potentially hazardous food, it also allows small micro farms to produce 20 gallons of raw milk or raw milk products such as aged cheese, yogurt, cream, butter and kefir. Which is legal to sell per day at present. It does not do away with licensing if a person wishes to license they can, but it does help micro farmers to start out without having to spend a considerable amount of money to comply.

Guy Comtois

A handwritten signature in black ink, appearing to read 'Guy Comtois', with a long horizontal flourish extending to the right.



# HB 7402 Amend

This Bill Exempt's a person who wishes to produce homestead food products such as Jam, Jellies, Cookies ETC from licensing up to 10,000 gross annual sales to sell from the Home, Farmstand or Farmer's market

Excluding ~~the~~ potentially hazardous food:

IT ~~also~~ also allow's small micro farm's to produce <sup>20 gal of</sup> Raw milk <sup>or Raw Milk</sup> products such as Aged Cheese, yogurt, cream, Butter & Kefir. ~~with the 20 gallon's of Raw milk~~

Which ~~that~~ is legal to sell per day at present.

IT does NOT do away with licensing IF a person wish's to license they can, BUT IT Does help micro farm's to start out without having to ~~spend~~ <sup>spend</sup> a considerable amount of money to comply

Rep Guy Comtois  
Center Barnstead

DTP 13-0 in Favor

**CONSENT CALENDAR**

**March 28, 2012**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on COMMERCE AND CONSUMER  
AFFAIRS to which was referred HB1402,

AN ACT (New Title) relative to the sale of homemade  
food and licensing of certain milk producer-  
distributors. Having considered the same, report the  
same with the recommendation that the bill OUGHT TO  
PASS.

**Rep. Jennifer R. Coffey**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB1402
Title:	(New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors.
Date:	March 20, 2012
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services. The committee overwhelmingly approved of this bill which helps small farmers prosper by reducing restrictions on them. The bill was the result of hard work by the Environment and Agriculture Committee as well as the sponsors and various groups involving the department of health and human services. The committee unanimously joins this group in enhancing farming and small enterprise in New Hampshire.

Vote 14-0.

Rep. Jennifer R. Coffey  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

### **COMMERCE AND CONSUMER AFFAIRS**

**HB1402**, (New Title) relative to the sale of homemade food and licensing of certain milk producer-distributors. **OUGHT TO PASS.**

Rep. Jennifer R. Coffey for **COMMERCE AND CONSUMER AFFAIRS**. This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services. The committee overwhelmingly approved of this bill which helps small farmers prosper by reducing restrictions on them. The bill was the result of hard work by the Environment and Agriculture Committee as well as the sponsors and various groups involving the department of health and human services. The committee unanimously joins this group in enhancing farming and small enterprise in New Hampshire. **Vote 14-0.**

Original: House Clerk  
Cc: Committee Bill File

HB 1402

Rep. Jennifer Coffey

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services. The committee overwhelmingly approved of this bill which helps small farmers prosper by reducing restrictions on them. The bill was the result of hard work by the Environment and Agriculture Committee as well as the sponsors and various groups involving the department of health and human services. The committee unanimously joins this group in enhancing farming and small enterprise in New Hampshire.

A handwritten signature, likely "J. Coffey", is enclosed in a hand-drawn oval. The signature is written in black ink and is somewhat stylized.



# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

HB 1402

The committee overwhelmingly approved of this bill, which helps small farmers prosper by reducing restrictions on them. The bill was the result of ~~much~~ <sup>the</sup> hard work, by the <sup>done</sup>

Environment & Agriculture Committee as well as the sponsors and various groups including the Department of Health & Human Services. The committee unanimously joins this group in enhancing farming and small enterprise in New Hampshire

→ Coffey