

CONSENT CALENDAR

February 28, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Environment and Agriculture to
which was referred HB 119-FN,**

AN ACT relative to homestead food operation licensure.

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Environment and Agriculture
Bill Number:	HB 119-FN
Title:	relative to homestead food operation licensure.
Date:	February 28, 2023
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2023-0629h

STATEMENT OF INTENT

The Environment and Agriculture Committee members believe that because shelf-stable, non-refrigerated foods such as jams, jellies, cookies, etc. are currently exempt from the Homestead Food Operation License, having a dollar amount threshold for sales in the statute is not needed. These items cannot be sold at retail location; they can only be sold at a homestead residence, the owner's farmstand, or at farmer's markets. In order to be sold at a retail location, one must have a homestead license. This bill will allow businesses to grow without worrying about a dollar limit on their annual gross sales. The committee heard in testimony that the current annual gross sales threshold is not even tracked or reported by DHHS Food Safety Division, and there is no violation penalty for going over the current threshold, so there is no real reason to have it in current statute. Also, the one size fits all approach on annual gross sales makes no sense due to the varying sale price of goods offered for sale, and this bill will also eliminate that issue.

Vote 18-0.

Rep. Barbara Comtois
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Environment and Agriculture

HB 119-FN, relative to homestead food operation licensure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois for Environment and Agriculture. The Environment and Agriculture Committee members believe that because shelf-stable, non-refrigerated foods such as jams, jellies, cookies, etc. are currently exempt from the Homestead Food Operation License, having a dollar amount threshold for sales in the statute is not needed. These items cannot be sold at retail location; they can only be sold at a homestead residence, the owner's farmstand, or at farmer's markets. In order to be sold at a retail location, one must have a homestead license. This bill will allow businesses to grow without worrying about a dollar limit on their annual gross sales. The committee heard in testimony that the current annual gross sales threshold is not even tracked or reported by DHHS Food Safety Division, and there is no violation penalty for going over the current threshold, so there is no real reason to have it in current statute. Also, the one size fits all approach on annual gross sales makes no sense due to the varying sale price of goods offered for sale, and this bill will also eliminate that issue. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

Rep. Potenza, Straf. 19
February 21, 2023
2023-0629h
08/05

Amendment to HB 119-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 Homestead Food Operations. Amend RSA 143-A:5, VII to read as follows:

4 VII. Homestead food operations selling [~~less than a maximum annual gross sales of \$35,000~~
5 ~~of~~] food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead
6 residence, at the owner's farm stand, or at farmers' markets.

Amendment to HB 119-FN
- Page 2 -

2023-0629h

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets.

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 119-FN

BILL TITLE: relative to homestead food operation licensure.

DATE: February 28, 2023

LOB ROOM: 301-303

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Comtois Seconded by Rep. Dutzy AM Vote: 18-0

Amendment # 2023-0629h

Moved by Rep. Comtois Seconded by Rep. Dutzy Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Comtois, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM
Roll Call Committee Registers
Report

2023 SESSION

Environment and Agriculture

Bill #: HB 119-FU Motion: Adopt AM #: 0629H Exec Session Date: 2.28.23

Members	YEAS	Nays	NV
Aron, Judy F. Chairman	✓		
Creighton, Jim L. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G. <u>Dolan, Tom</u>	✓		
Davis, Arnold G.	✓		
Brouillard, Jacob	✓		
Coulon, Matthew	✓		
Kenny, Catherine M	✓		
Potenza, Kelley L			
Smart, Lisa A	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.			
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Germana, Nicholas A	✓		
Haskins, Linda J	✓		
Howard, Molly C	✓		
Knab, Allison	✓		
Morse, Corinne <u>DAVIS, Fred</u>	✓		
Vogt, Robin	✓		
TOTAL VOTE:	18	0	



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM
Roll Call Committee Registers
Report

2023 SESSION

Environment and Agriculture

Bill #: HB 119-FU Motion: OTPA AM #: 2023 029-H Exec Session Date: 2.28.23

Members	YEAS	Nays	NV
Aron, Judy F. Chairman	✓		
Creighton, Jim L. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G. <u>Dolan, Tom</u>	✓		
Davis, Arnold G.	✓		
Brouillard, Jacob	✓		
Coulon, Matthew	✓		
Kenny, Catherine M	✓		
Potenza, Kelley L			
Smart, Lisa A	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.			
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Germana, Nicholas A	✓		
Haskins, Linda J	✓		
Howard, Molly C	✓		
Knab, Allison	✓		
Morse, Corinne <u>Davis, Fred</u>	✓		
Vogt, Robin	✓		
TOTAL VOTE:	18	0	

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 119-FN

BILL TITLE: relative to homestead food operation licensure.

DATE: January 31, 2023

LOB ROOM: 301-303 **Time Public Hearing Called to Order:** 1:30 p.m.

Time Adjourned: 2:27 p.m.

Committee Members: Reps. Aron, Creighton, Comtois, Verville, A. Davis, Brouillard, Coulon, Kenny, Potenza, Smart, Bixby, Sofikitis, Dutzy, M. Murray, Germana, Haskins, M. Howard, Knab, Morse and Vogt

Bill Sponsors:

Rep. Ankarberg

Rep. Berezhny

Rep. Cushman

Rep. Coulon

Rep. Jonathan. Smith

TESTIMONY

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

*Rep. Coulon – Grafton 5 – introduced bill - written testimony

Q. At what point do you upscale to a commercial business A. unsure

Q. Are there any license requirements A. unsure

Q. Why was this bill brought forward A. at the request of a constituent

Q. Risk vs. \$? A. raise the cap

Q. Is there a reason for the cap A. no, based on \$'s

Stephen Nass – Free State Food Industry – has decades of experience in the food industry - \$70k cap is needed to keep businesses competitive – also to keep up with inflation – we need to minimize “red tape” costs – ie. Sinks, codes, inspections, etc.... - expand the local market – lower the financial barrier to entry –

Q. Where can they sell A. home and farmstand

Q. Are vendors capping out A. yes

Q. Food safety vs. small enterprise, where is the balance A. how often does your home kitchen get inspected? Never

Q. When was \$35k put in place A. 2 years ago

Q. What are potentially hazardous food regulations A. not shelf stable – short shelf life

Q. How many are made sick from homestead food stuffs A. very few

Q. Steeped regulations A. not as good

Q. What products hit the cap A. ??

Colleen Smith – NH DHHS – Food Safety Division – opposes – homestead license is for non-hazardous foods only – not temperature sensitive or acidic – currently no license needed for up to \$35k in sales – minimal requirements

Q. What is required below \$35k in sales A. nothing

Q. What is required above \$35k in sales A. need to get a license

Q. What are other states requirements A. 133 licensed homesteads

Q. What are the penalties for non-compliance A. nothing

Ross Connolly – AFPNH – 2011 – 2 tiered system established – last year the cap was raised from \$20k to \$35k - the move to \$70k helps people start and grow their business – the bill only alters the gross sales cap – Institute for Justice – 34 states and DC have increased the sales cap, NH is lagging behind

Q. Why the law A. unknown

Q. How does the \$150 license fee block business A. another hurdle

Respectfully submitted,
Representative Comtois, Clerk

House Remote Testify

Environment and Agriculture Committee Testify List for Bill HB119 on 2023-01-31

Support: 75 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
glidden, deborah	Alexandria, NH moosepathfarmstainedglass@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:00 PM
Hersey, Nancy	Wolfeboro, NH nancyric@metrocast.net	A Member of the Public	Myself	Support	No	No	1/25/2023 8:07 AM
Wikstrom, Kathleen	Exeter, NH kjwtikstrom@gmail.com	A Member of the Public	Myself	Support	No	No	1/29/2023 11:36 AM
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Support	No	No	1/29/2023 2:59 PM
Creem, Melissa	Nashua, NH melissa@thecreems.com	A Member of the Public	Myself	Support	No	No	1/29/2023 3:16 PM
White, Melissa	Peterborough, NH marino_melissa@yahoo.com	A Member of the Public	Myself	Support	No	No	1/29/2023 8:54 PM
Schofield, Kim	Epping, NH ksdm@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2023 8:56 AM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2023 9:50 AM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	1/30/2023 9:58 AM
Van Arsdale, Linda	Wolfeboro, NH lynjenks@hotmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 10:23 AM
Van Arsdale, Joel	North Hampton, NH joelvanarsdale@yahoo.com	A Member of the Public	Myself	Support	No	No	1/30/2023 10:27 AM
Kliskey, Jessica	Stratham, NH silversmithjess@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 11:02 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2023 11:25 AM

Symanowicz, Maryann	Portsmouth, NH maryannsyanowicz@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 11:28 AM
Smiszek, Cynthia	Danville, NH cynthiasmiszek@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 11:54 AM
Kelly, Jim and Nina	Auburn, NH jnkelly154@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2023 1:08 PM
Kaminski, Marie	Bridgewater, NH Martkam4492@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 1:27 PM
Timmins, Courtney	Belmont, NH cst610@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 2:09 PM
Timmins, Jeremiah	Belmont, NH kaiheitai@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 2:09 PM
seeger, jessica	Hancock, NH jessicaseeger@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 2:11 PM
stokes, matthew	Hancock, NH jessicaseeger@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 2:13 PM
Ankarberg, Aidan	Rochester, NH akankarberg@gmail.com	An Elected Official	Myself	Support	No	No	1/30/2023 2:14 PM
Richardson, Diane	Georges mills, NH workingclasscanine@msn.com	A Member of the Public	Myself	Support	No	No	1/30/2023 3:02 PM
Coulon, Matt	Pike, NH mattforstaterep@protonmail.com	An Elected Official	Myself	Support	No	No	1/30/2023 3:23 PM
War-scott, Colleen	Nashua, NH Colleenws@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2023 4:36 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 6:34 PM
Sweeney, Margaret	Campton, NH MS975@protonmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 8:01 PM
Domenico, William	Manchester, NH bill@resunltd4u.com	A Member of the Public	Myself	Support	No	No	1/30/2023 9:02 PM
Gragg, Debbie	Hopkinton, NH debgragg63@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 9:26 PM
Tripp, Melissa	Strafford, NH granolagirl411@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 10:22 PM
Kishinevsky, Rebecca	Wilton, NH rp.kishinevsky@yahoo.com	A Member of the Public	Myself	Support	No	No	1/30/2023 11:00 PM

Dion, Patricia	Milford, NH mrsdion@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 11:00 PM
Richardson, Bryan	Alexandria, NH marks-dad@ipatriots.us	A Member of the Public	Myself	Support	No	No	1/31/2023 1:53 AM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 2:53 AM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 2:56 AM
Lloyd, Gisela	East Kingston, NH haus@onepinewoods.us	A Member of the Public	Myself	Support	No	No	1/31/2023 5:33 AM
Thibodeau, Christopher	Nashua, NH cthibodeau71@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 6:18 AM
Schaefer, Rose	Newmarket, NH rosems014@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 6:37 AM
Cushman, Leah	Weare, NH leah.cushman@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2023 7:33 AM
Cushman, Stephen	Weare, NH cstephen521@hotmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:35 AM
Lalone, Edward	Epping, NH lalone.edward@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2023 7:36 AM
Panek, Charles	Pelham, NH fullmet460@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:37 AM
Panek, Taylour	Windham, NH taylourpanek@criptext.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:38 AM
Panek, Thomas	Windham, NH yzspanek@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:40 AM
McCartney, Michelle	Concord, NH michelleredmond2000@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:42 AM
McCartney, Evan	Concord, NH bebop0505@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:43 AM
Bowers, Danielle	Concord, NH bktime777@proton.me	A Member of the Public	Myself	Support	No	No	1/31/2023 7:45 AM
Bowers, Steven	Concord, NH cpcliberty70@protonmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:46 AM
Merner, Kelly	Concord, NH kellyamerner@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:47 AM

Minehart, Will	Wilton, NH sylvandream@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:48 AM
McKinney, Carolyn	Amherst, NH carolyn.mckinney@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:50 AM
O'Donnell, Kristy	Dublin, NH theodonnellzoo@aol.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:51 AM
O'Donnell, Brian	Dublin, NH bod1976@icloud.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:51 AM
Trexler, Larisa	Stoddard, NH trexlah@icloud.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:52 AM
Trexler, Ryan	Stoddard, NH trexlers@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:53 AM
McLeod, Thomas	Mont Vernon, NH chair@ldfnh.org	A Member of the Public	Myself	Support	No	No	1/31/2023 7:54 AM
McLeod, Ferngold	Mont Vernon, NH fern@mcleodsoft.net	A Member of the Public	Myself	Support	No	No	1/31/2023 7:55 AM
McLeod, Raphaella	Mont Vernon, NH chantokangaeru@protonmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:55 AM
Moore, Kristen	Milford, NH kristen_cotsifas@hotmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:56 AM
Bemis, Amanda	Litchfield, NH apells88@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:56 AM
Comstock, Nancy	Litchfield, NH njcomstock@protonmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:57 AM
Rojas, Emily	Manchester, NH emilyrojas27@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:58 AM
Rojas, Cali	Manchester, NH calianne321@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:58 AM
Cedolin, Alexandra	Epping, NH ahwhyte@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 7:59 AM
Cedolin, Bradley	Epping, NH bbcedolin@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 8:00 AM
Wilson, Audra	Alstead, NH h3islife@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 8:00 AM
Wilson, Rock	Alstead, NH fullermachine@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2023 8:01 AM

Kauffman, Jeri	Laconia, NH jmkauffman37@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 8:25 AM
Lean, Karen	Hillsborough, NH presentjoy@protonmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 9:44 AM
Bowley, Bonnie	Danville, NH Gracepaul517@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 9:45 AM
Concordia, Nicole	Temple, NH nconcordia@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2023 9:59 AM
Higginbottom, James	Rochester, NH jhigginbottom@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 11:15 AM
Itse, Daniel	Manchester, NH itsenh@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2023 11:27 AM
Byrne, Therese	Nashua, NH theresebyrne@outlook.com	A Member of the Public	Myself	Support	No	No	1/31/2023 12:08 PM
Alleman, Bill	Weare, NH gencourt@allemanse.com	A Member of the Public	Myself	Support	No	No	1/31/2023 1:42 PM

HB 119-FN - AS INTRODUCED

2023 SESSION

23-0111

08/10

HOUSE BILL ***119-FN***

AN ACT relative to homestead food operation licensure.

SPONSORS: Rep. Ankarberg, Straf. 7; Rep. Berezhny, Graf. 11; Rep. Cushman, Hills. 28; Rep. Coulon, Graf. 5; Rep. Jonathan. Smith, Carr. 5

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill increases the maximum annual gross sales of food a homestead food operation may sell and retain an exemption from food licensing provisions.

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 Twenty Three

AN ACT relative to homestead food operation licensure.

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

1 1 Homestead Food Operations; Maximum Annual Gross Sales. Amend RSA 143-

2 A:5, VII to read as follows:

3 VII. Homestead food operations selling less than a maximum annual gross sales of [~~\$35,000~~

4 **\$70,000** of food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the

5 homestead residence, at the owner's farm stand, or at farmers' markets.

6 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 119-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to homestead food operation licensure.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General license fees <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Food			

METHODOLOGY:

This bill increases the homestead food operations threshold from \$35,000 to \$70,000 in annual gross sales. Entities selling less than the threshold amount are not subject to licensure and inspection requirements under RSA 143-A. The Department of Health and Human Services states that since it does not track homestead food operations by gross sales, it is unable to determine how many establishments would no longer require inspections or pay the annual food service licensure fee. The fiscal impact to the state general fund (into which the fees are deposited) is therefore indeterminable. The impact on department workload due to a presumed decrease in inspections is likewise indeterminable.

It is assumed there will be no fiscal impact until FY 2024.

AGENCIES CONTACTED:

Department of Health and Human Services