

# SENATE BILL No. 330

April 14, 2011, Introduced by Senator HUNE and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled  
"Food law of 2000,"  
by amending section 4102 (MCL 289.4102), as added by 2010 PA 112.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4102. (1) A cottage food operation is exempt from the  
2       licensing and evaluation provisions of this act. This exemption  
3       does not include an exemption from the adulteration and other  
4       standards imposed in this section or under this act, or both, and  
5       does not limit the ability of the department to take appropriate  
6       enforcement action for applicable violations as described in  
7       section 5101. This subsection does not require a cottage food  
8       operation to meet the standards contained in 21 CFR 110 or the 2005  
9       federal food code ~~, or both.~~ **PUBLISHED BY THE UNITED STATES FOOD**

1 **AND DRUG ADMINISTRATION.**

2 (2) Cottage food products shall be prepackaged and properly  
3 labeled prior to sale.

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

7 (a) The name and address of the business of the cottage food  
8 operation.

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

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

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

13 (e) Allergen labeling as specified by federal labeling  
14 requirements.

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

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

21 (4) Cottage food products may **ONLY** be sold directly from the  
22 cottage food operation to the consumer, ~~only,~~ and not by internet  
23 or mail order. Sales by consignment or at wholesale are prohibited.

24 (5) The gross sales of cottage food products **BY A COTTAGE FOOD**  
25 **OPERATION** shall not exceed ~~\$15,000.00~~ **\$75,000.00** annually. The  
26 ~~determination of the \$15,000.00 annual~~ **ANNUAL** gross sales shall be  
27 computed on the basis of the amount of gross sales within or at a

1 particular domestic residence and shall not be computed on a per-  
2 person basis within or at that domestic residence. The department  
3 may request in writing documentation to verify the annual gross  
4 sales figure.

5 (6) Cottage food products shall be stored only in the primary  
6 domestic residence.

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