

# HOUSE BILL NO. 4461

April 25, 2023, Introduced by Reps. DeSana, Outman and Rigas and referred to the Committee on Agriculture.

A bill to amend 2000 PA 92, entitled  
"Food law,"  
by amending section 4102 (MCL 289.4102), as amended by 2012 PA 178.

**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

1 section 5101. This subsection does not require a cottage food  
2 operation to meet the standards contained in 21 CFR part 110 or the  
3 food code.

4 (2) Cottage food products ~~shall~~**must** be prepackaged and  
5 properly labeled ~~prior to~~**before** sale.

6 (3) ~~At a minimum, a~~**A** cottage food operation shall place on  
7 the label of any food it produces or packages the following  
8 information:

9 (a) The name and address of the business of the cottage food  
10 operation.

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

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

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

15 (e) Allergen labeling as specified by federal labeling  
16 requirements.

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

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

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

26 ~~The gross sales of cottage food products by a cottage food~~  
27 ~~operation shall not exceed \$20,000.00 annually until December 31,~~  
28 ~~2017. After December 31, 2017, the~~**The** gross sales of cottage food  
29 products by a cottage food operation ~~shall~~**must** not exceed

1 ~~\$25,000.00~~**\$55,000.00** annually. For the purposes of this  
2 subsection, gross sales ~~shall~~**must** be computed on the basis of the  
3 amount of gross sales within or at a particular domestic residence  
4 and ~~shall~~**must** not be computed on a per-person basis within or at  
5 that domestic residence. The department may request in writing  
6 documentation to verify the annual gross sales figure.

7 (6) Cottage food products ~~shall~~**must** be stored only in the  
8 primary domestic residence.

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