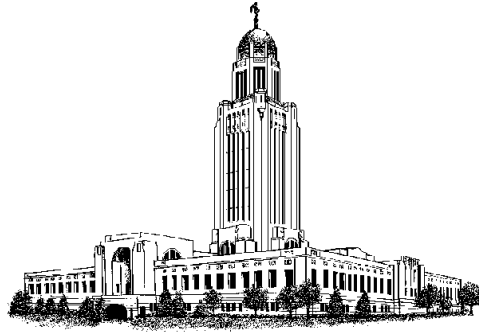


Nebraska State Legislature

SENATOR RICK KOLOWSKI

District 31
4815 South 158 Circle
Omaha, Nebraska 68135
(402) 896-1765

Legislative Address:
State Capitol
PO Box 94604
Lincoln, Nebraska 68509-4604
(402) 471-2327
rkolowski@leg.ne.gov



COMMITTEES

Education
Natural Resources
Nebraska Retirement Systems
Midwestern Higher Education Commission

LB558 Cottage Food Legislation Summary

Cottage Food laws allow a person to legally bake and prepare non-potentially hazardous foods from their personal kitchens and sell them on a small scale, generally directly to consumers, farmers markets and in a few states (including Texas and California) sales are allowed to restaurants and grocery stores.

These non-potentially hazardous foods are:

1. Fresh fruits and vegetables, especially home-grown items;
2. Certain baked goods, limited to non-potentially hazardous baked goods, breads, cookies, and fruit pies;
3. Prepackaged, commercially prepared snack items, such as canned pop, candy bars, and potato chips;
4. Popcorn and other seeds;
5. Fresh or dried herbs; and
6. Jams and jellies.

Several years ago, Nebraska passed legislation to allow homemade foods that are non-potentially hazardous to be sold at farmers markets. LB558 allows these same foods to be sold indirectly to restaurants and grocery stores **(we have an amendment that allows sales directly to consumers as well)** as long as:

1. The operation has registered with the Department of Agriculture and complied with any food safety requirements;
2. The consumer is informed by a clearly visible placard at the sale location or on the package or container label that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;
3. The operation has not more than fifty thousand dollars in gross annual sales during a calendar year;

4. The operation does not employ more than one full-time equivalent employee, not including a family member or a member of the operator's household;
5. The owner of the operation and his or her employees have undergone food handler training provided online on the department's web

We are also working on an amendment to add more food safety inspections in accordance with a national report on best practices for cottage food legislation.

LB558 also requires the Department of Agriculture to develop and make available an online food handler training program on its web site not later than December 31, 2015. This training is already available online for operators in Lancaster County.

Cottage food laws like LB558 champion entrepreneurship by allowing for the growth of local food start-ups who cannot yet afford the overhead costs of a commercial kitchen. When California passed similar cottage food legislation in 2012, over 1,000 businesses started up in the first year. Now it's time to support local producers in Nebraska.