



Assemblyman Mike Gatto, 43rd Assembly District
AB 1616 – California Homemade Food Act

SUMMARY

The California Homemade Food Act amends sections of the Health and Safety Code to create a legal structure for the safe home-production, and sale or trade, of homemade foods under the classification of a “Cottage Food Operation.” Additionally, this bill would require the Department of Public Health and local governments to approve both the direct and indirect sale and distribution of “cottage foods.”

BACKGROUND

31 states have laws that permit the in-home production and distribution of homemade foods (for example, breads, tortillas, dry roasted nuts and legumes, empanadas, granola, churros, jams, jellies and other products). Under current California law, a person may not use the kitchen in a private residence to produce any foods to be sold or traded for public consumption.

The national movement to “homemade” foods and products – also known as “cottage foods”, “artisanal foods”, “slow foods” and products of “urban agriculture” – reflects a wish to increase the availability of healthier and locally processed foods for our communities. Such products typically include organic and natural ingredients that are less artificially refined or processed.

During these difficult economic times, our State should do everything possible to allow individuals to provide for their families and assist with our economic recovery. Home-based food production can allow micro-entrepreneurs to prosper during times of otherwise limited economic opportunity by meeting the desires of local consumers. Under current California law, they cannot do so.

WHAT THE BILL DOES

AB 1616 would define a “Cottage Food Operation” as a private home where non-potentially hazardous products are prepared and packaged to be sold to or traded with consumers. It would create a two-tier classification system for such operations based upon the point of product distribution, and it would require the two tiers to meet their respective health and safety standards. It would require local governments to classify such operations as an allowable use of residential property in accordance with local zoning ordinances.

SPONSOR: Author

SUPPORT:

- Los Angeles Bread Bakers
- Proyecto Jardin
- Sustainable Economies Law Center
- California State Grange
- AFSCME
- Whole Foods Market Northern California
- Bay Localize
- La Cocina
- Central Coast Alliance for a Sustainable Economy
- Oakland Food Policy Council
- RootDown LA
- San Francisco Urban Agriculture Alliance
- forageSF
- California Food and Justice Coalition
- East Bay Urban Agriculture Alliance
- Berkeley Food Policy Council

OPPOSITION: none registered

STATUS: Introduced, February 9, 2012
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