

HOUSE BILL 130

By Reneau

AN ACT to amend Tennessee Code Annotated, Title 53
and Title 68, Chapter 14, Part 7, relative to
homemade food items.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-1-102, is amended by deleting
subdivision (19) and substituting:

(19) "Homemade food item":

(A) Means a food item that is:

(i) Produced by or under the direct supervision of the producer at
the producer's private residence; and

(ii) Either, as defined by the department in rules promulgated
pursuant to the Uniform Administrative Procedures Act, compiled in title 4,
chapter 5:

(a) Non-time/temperature control for safety food; or

(b) Time/temperature control for safety food; and

(B) Does not include alcoholic beverages, unpasteurized milk or foods
that are, or that contain, alcoholic beverages, fish and shellfish products, meat,
meat by-products, poultry, or poultry by-products, except to the extent that the
sale of those items is permissible under federal law, including the following:

(i) Poultry, poultry by-products, or poultry food products, if the
food preparer raised the poultry pursuant to the one thousand (1,000) bird
exemption in 9 C.F.R., § 381.10(c);

(ii) Poultry, poultry by-products, or poultry food products, if the poultry is from an inspected source pursuant to 9 C.F.R., § 381.10(d); and

(iii) Meat, meat by-products, or meat food products, if the meat is from an inspected source pursuant to 9 C.F.R., § 303.1(d).

SECTION 2. Tennessee Code Annotated, Section 53-1-118, is amended by deleting subsections (a) and (b) and substituting:

(a)

(1) Notwithstanding part 2 of this chapter, or another law to the contrary, except as provided in this section, the production and sale of homemade food items under this chapter are exempt from all licensing, permitting, inspecting, packaging, and labeling laws of this state, except when the department of health is investigating a reported foodborne illness.

(2) Except as provided in this section, a producer may sell homemade food items in this state to the extent permitted by federal law.

(b) The exemption under subsection (a) only applies if the following conditions are satisfied:

(1)

(A) Homemade food items that do not contain dairy, meat, or poultry must be sold either by:

(i) The producer to the consumer, whether in person or remotely, including, but not limited to, a sale by telephone or internet; or

(ii) An agent of the producer or a third-party vendor, such as a retail shop or grocery store, to the consumer; and

(B) Homemade food items that contain dairy, meat, or poultry must be sold by the producer to the consumer, whether in person or remotely, including, but not limited to, a sale by telephone or internet;

(2)

(A) Homemade food items that do not contain dairy, meat, or poultry must be delivered either by:

(i) The producer to the consumer; or

(ii) An agent of the producer, a third-party vendor, or a third-party carrier to the consumer; and

(B) Homemade food items that contain dairy, meat, or poultry must be delivered by the producer to the consumer;

(3) The following information must be provided to the consumer, in the format required by subdivision (b)(4):

(A) The name, home address, and telephone number of the producer of the homemade food item;

(B) The common or usual name of the homemade food item;

(C) The ingredients of the homemade food item in descending order of predominance;

(D) The date that the homemade food item was produced; provided, that this subdivision (b)(3)(D) only applies to homemade food items that are potentially hazardous or time/temperature control for safety foods; and

(E) The following statement: "This product was produced at a private residence that is exempt from state licensing and inspection. This product may contain allergens.";

(4)

(A) The information required by subdivision (b)(3) must be provided:

(i) On a label affixed to the package, if the homemade food item is packaged;

(ii) On a label affixed to the container, if the homemade food item is offered for sale from a bulk container;

(iii) On a placard displayed at the point of sale, if the homemade food item is neither packaged nor offered for sale from a bulk container; or

(iv) On the webpage on which the homemade food item is offered for sale, if the homemade food item is offered only for sale on the internet; and

(B) If the homemade food item is sold by telephone or custom order, the seller need not display the information required by subdivision (b)(3), but the seller shall disclose to the consumer that the homemade food item is produced at a private residence that is exempt from state licensing and inspection, and may contain allergens. The seller shall have the information required by subdivisions (b)(3)(A)-(D) readily available and provide it to the consumer upon request; and

(5) If a homemade food item is potentially hazardous or time/temperature control for safety food and is transported before final delivery to consumers, the homemade food item must be maintained at an appropriate temperature.

SECTION 3. This act takes effect July 1, 2025, the public welfare requiring it.