



State of Tennessee
PUBLIC CHAPTER NO. 387

SENATE BILL NO. 1850

By Crowe, Burks

Substituted for: House Bill No. 1699

By Hill, Campbell, Niceley, Matlock, Roach, Evans, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 1 and Title 53, Chapter 8, Part 1, relative to health standards.

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

SECTION 1. Tennessee Code Annotated, Section 53-8-117, is amended by deleting the section in its entirety and by substituting instead the following:

53-8-117.

(a) As used in this section, unless the context otherwise requires:

(1) "Home based kitchen" means a cooking facility located in a person's primary residence;

(2) "Nonpotentially hazardous foods" means baked goods, jams, jellies, candy, dried apples, dried mixes and other such foods that do not meet the definition of potentially hazardous foods; and

(3) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, home-canned foods, or any food that requires temperature control for safety.

(b) Notwithstanding any law, rule or regulation to the contrary, nonpotentially hazardous foods prepared in a home based kitchen may be sold at a person's personal residence, a community or social event, including church bazaars and festivals, flea markets, or at farmer's markets located in this state.

(c) Whenever the commissioner finds that a nonpotentially hazardous food prepared in a home based kitchen is, by reason of microbiological, physical, chemical or allergenic contamination, injurious to the public health, the commissioner may prohibit the sale of such food until the facility in which it was prepared is inspected and the contamination is eliminated. Any food product prepared in a home based kitchen failing to meet the definition of a "nonpotentially hazardous food" shall immediately be removed from sale.

(d) All nonpotentially hazardous foods from a home based kitchen may be distributed as free samples.

(e) An individual who processes nonpotentially hazardous foods in a home based kitchen shall have adequate knowledge of safe food handling practices. The department or a state college or university with a curriculum in food safety as an authority on preparing processed food shall offer such curriculum at its county offices or online.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 21, 2011

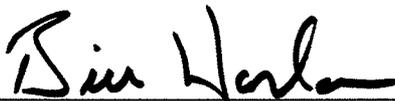


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1 day of June 2011



BILL HASLAM, GOVERNOR