

2023 -- H 5301

LC000472

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

Introduced By: Representatives Place, Rea, Nardone, and Quattrocchi

Date Introduced: February 01, 2023

Referred To: House Small Business

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-27-6.1 of the General Laws in Chapter 21-27 entitled "Sanitation
2 in Food Establishments" is hereby amended to read as follows:

3 **21-27-6.1. Farm home food manufacture.**

4 Notwithstanding the other provisions of this chapter, the department of health shall permit
5 farm home food manufacture and the sale of the products of farm home food manufacture at
6 farmers' markets, farmstands, and other markets and stores operated by farmers for the purpose of
7 the retail sale of the products of Rhode Island farms, provided that the requirements of this section
8 are met.

9 (1) The farm home food products shall be produced in a kitchen that is on the premises of
10 a farm and meets the standards for kitchens as provided for in minimum housing standards, adopted
11 pursuant to chapter 24.2 of title 45 and the Housing Maintenance and Occupancy Code, adopted
12 pursuant to chapter 24.3 of title 45, and in addition the kitchen shall:

13 (i) Be equipped at minimum with either a two (2) compartment sink or a dishwasher that
14 reaches one hundred fifty degrees Fahrenheit (150° F) after the final rinse and drying cycle and a
15 one compartment sink;

16 (ii) Have sufficient area or facilities, such as portable dish tubs and drain boards, for the
17 proper handling of soiled utensils prior to washing and of cleaned utensils after washing so as not
18 to interfere with safe food handling; equipment, utensils, and tableware shall be air dried;

19 (iii) Have drain boards and food preparation surfaces that shall be of a nonabsorbent,

1 corrosion resistant material such as stainless steel, formica or other chip resistant, nonpitted surface;

2 (iv) Have self-closing doors for bathrooms that open directly into the kitchen;

3 (v) If farm is on private water supply it must be tested once per year.

4 (2) The farm home food products are prepared and produced ready for sale under the

5 following conditions:

6 (i) Pets are kept out of food preparation and food storage areas at all times;

7 (ii) Cooking facilities shall not be used for domestic food purposes while farm home food

8 products are being prepared;

9 (iii) Garbage is placed and stored in impervious covered receptacles before it is removed

10 from the kitchen, which removal shall be at least once each day that the kitchen is used for farm

11 home food manufacture;

12 (iv) Any laundry facilities which may be in the kitchen shall not be used during farm home

13 food manufacture;

14 (v) Recipe(s) for each farm home food product with all the ingredients and quantities listed,

15 and processing times and procedures, are maintained in the kitchen for review and inspection;

16 (vi) List ingredients on product;

17 (vii) Label with farm name, address and telephone number.

18 (3) Farm home food manufacture shall be limited to the production of nonpotentially

19 hazardous food and foods that do not require refrigeration, including:

20 (i) Jams, jellies, preserves and acid foods, such as vinegars, [pickles and relish](#), that are

21 prepared using fruits, vegetables and/or herbs that have been grown locally;

22 (ii) Double crust pies that are made with fruit grown locally;

23 (iii) Yeast breads;

24 (iv) Maple syrup from the sap of trees on the farm or of trees within a twenty (20) mile

25 radius of the farm;

26 (v) Candies and fudges;

27 (vi) Dried herbs and spices.

28 (4) Each farm home kitchen shall be registered with the department of health and shall

29 require a notarized affidavit of compliance, in any form that the department may require, from the

30 owner of the farm that the requirements of this section have been met and the operation of the

31 kitchen shall be in conformity with the requirements of this section. A certificate of registration

32 shall be issued by the department upon the payment of a fee as set forth in § 23-1-54 and the

33 submission of an affidavit of compliance. The certificate of registration shall be valid for one year

34 after the date of issuance; provided, however, that the certificate may be revoked by the director at

1 any time for noncompliance with the requirements of the section. The certificate of registration,
2 with a copy of the affidavit of compliance, shall be kept in the kitchen where the farm home food
3 manufacture takes place. The director of health shall have the authority to develop and issue a
4 standard form for the affidavit of compliance to be used by persons applying for a certificate of
5 registration; the form shall impose no requirements or certifications beyond those set forth in this
6 section and § 21-27-1(8). No certificates of registration shall be issued by the department prior to
7 September 1, 2002.

8 (5) Income from farm home food manufacture shall not be included in the calculation of
9 farm income for the purposes of obtaining an exemption from the sales and use tax pursuant to §
10 44-18-30(32), nor shall any equipment, utensils, or supplies acquired for the purpose of creating or
11 operating farm home food manufacture be exempt from the sales and use tax as provided for in §
12 44-18-30(32).

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would add pickles and relish to those foods not requiring refrigeration which are
- 2 permitted to be manufactured and sold as a farm home food product.
- 3 This act would take effect upon passage.

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