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SYNOPSIS
Establishes requirements for sale of home baked goods.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning home baked goods and supplementing Title 24 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:
   “Baked goods” means ready-to-eat baked food that does not require further cooking or refrigeration for food safety, and which is not a potentially hazardous food. Baked goods may contain ingredients which constitute potentially hazardous food, provided that the baked good as presented for sale is not a potentially hazardous food. “Baked goods” include, but are not limited to, bread, rolls, cakes, pies, pastries, candies, and cookies.
   “Home baker” means a person who prepares baked goods in a kitchen in a private home that is not subject to regulation and inspection by the Department of Health.
   “Potentially hazardous food” means a food that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

2. A home baker may sell baked goods prepared by the home baker in a kitchen in a private home, provided the following requirements are met:
   a. The baked goods shall not be sold or offered for sale except at the home baker’s home, a consumer’s home, a farmer’s market, a farm stand, or a county, municipal, or nonprofit fair, festival, or event. A home baker shall not sell or offer for sale baked goods over the Internet, wholesale, or to a commercial retailer for resale;
   b. The gross income generated by the home baker from the sale of baked goods shall not exceed $50,000 per year;
   c. The home baker, and any person assisting the home baker in the preparation of baked goods, shall possess a current, valid food handler’s certificate issued by a food handler certification agency approved by the Commissioner of Health pursuant to subsection a. of section 3 of this act;
   d. A clearly-visible placard shall be placed at the point of sale, which shall state in clear, legible print that the baked goods were prepared in a kitchen that is not subject to regulation and inspection by the Department of Health;
   e. Baked goods shall be packaged in a manner that prevents or reduces the risk of contamination, unless the size, shape, or other characteristics of a baked good makes such packaging impractical or unnecessary; and
   f. Each baked good sold or offered for sale shall include a label containing the following information:
      (1) the name of the home baker and the address where the baked good was prepared;
(2) the name of the baked good, including a description of the
type or nature of the baked good if not apparent from the name;
(3) any major food allergens used as an ingredient in the baked
good, including, but not limited to, eggs, nuts, wheat, soy, dairy,
and peanuts; and
(4) the following statement: “This food is made in a home
kitchen that is not subject to regulation and inspection by the
Department of Health.”

3. a. The Commissioner of Health shall promulgate a list of
food handler certification agencies that are approved to issue food
dernamer certificates to home bakers and other persons for the
purposes of this act. The Department of Health shall have no other
authority to regulate or inspect home bakers or the sale or
production of baked goods prepared by home bakers.
b. The local board of health having jurisdiction in the
municipality in which the home baker resides or in which the home
baker prepares, offers for sale, or sells baked goods shall have the
authority to conduct an inspection of the baked goods or the place
in which the baked goods are prepared upon reasonable belief or
credible report that the baked goods, or the conditions under which
the baked goods are prepared, present an immediate and serious
threat to human life or health. If the board finds the baked goods or
the conditions under which they are prepared constitute an
immediate and serious threat to human life or health, the board may
order any appropriate relief, including, but not limited to:
confiscation or destruction of the baked goods; remedial action to
correct an unsafe or potentially hazardous condition; or issuance of
a temporary or permanent injunction prohibiting the home baker
from preparing and selling baked goods.
c. The preparation and sale of baked goods by home bakers
pursuant to this act shall not be subject to regulation or restriction
by municipal ordinance.
d. Nothing in this section shall be construed to restrict the
ability of a neighbor or other affected person to institute a nuisance
action against a home baker.

4. This act shall take effect the first day of the seventh month
next following the date of enactment.

STATEMENT

This bill establishes requirements for the sale of home baked
goods, such as bread, rolls, cakes, pies, pastries, candies, and
cookies. The bill defines “baked goods” as ready-to-eat baked food
prepared in a private kitchen that does not require further cooking
or refrigeration for food safety and is not a “potentially hazardous
“food,” which is defined to mean a food that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation. Home baked goods may be made using a potentially hazardous food, provided that the final product as offered for sale is not a potentially hazardous food.

Under the bill, baked goods may not be sold or offered for sale except at the home baker’s home, a consumer’s home, a farmer’s market, a farm stand, or a county, municipal, or nonprofit fair, festival, or event; the bill prohibits selling or offering for sale home baked goods over the Internet, wholesale, or to a commercial retailer for resale. The gross income generated by the home baker from the sale of baked goods may not exceed $50,000 per year.

The home baker and any person assisting the home baker must possess a current, valid food handler’s certificate. A clearly-visible placard is to be placed at the point of sale, which states in clear, legible print that the baked goods were prepared in a kitchen that is not subject to regulation and inspection by the Department of Health (DOH). Baked goods are to be packaged in a manner that prevents or reduces the risk of contamination, unless the size, shape, or other characteristics of the baked good makes such packaging impractical or unnecessary. Finally, each baked good is to be labeled with the name of the home baker and the address where the baked good was prepared; the name of the baked good, including a description of the type or nature of the baked good if not apparent from the name; any major food allergens used as an ingredient in the baked good, such as eggs, nuts, wheat, soy, dairy, or peanuts; and a statement that reads: “This food is made in a home kitchen that is not subject to regulation and inspection by the Department of Health.”

The Commissioner of Health is to promulgate a list of food handler certification agencies approved to issue certificates for the purposes of the bill. DOH will have no other authority to regulate or inspect home bakers or the sale or production of home baked goods, and the preparation and sale of home baked goods may not be regulated or restricted by municipal ordinance. Nothing in the bill will prohibit a neighbor or other affected person from bringing a nuisance action against a home baker.

Local boards of health will have the authority to inspect baked goods and places where baked goods are prepared upon reasonable belief or credible report that the baked goods, or the conditions under which they are prepared, present an immediate and serious threat to human life or health. If the board finds the baked goods or the conditions under which they are prepared constitute a threat, the board may order any appropriate relief, including, but not limited to: confiscation or destruction of the baked goods; remedial action to correct an unsafe or potentially hazardous condition; or issuance of a temporary or permanent injunction prohibiting the home baker from preparing and selling baked goods.