

SENATE BILL NO. 18

BY SENATOR WARD AND REPRESENTATIVE COX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 40:4.9, relative to certain food products prepared in home for
3 public consumption and the application of the state Sanitary Code; to provide for
4 preparation of cakes and cookies in home for public consumption; to provide for
5 exceptions; to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:4.9 is hereby amended and reenacted to read as follows:

8 §4.9. Jellies, preserves, jams, honey, ~~and honeycomb products,~~ **cakes, and cookies;**
9 preparation in home for public consumption

10 A.**(1)(a)** No provision of the state ~~sanitary code~~ **Sanitary Code** or any
11 provision of any other law or regulation that requires any equipment, design,
12 construction, utensils, supplies, preparation, or services shall apply to the preparation
13 of jellies, preserves, jams, honey, ~~and honeycomb products,~~ **cakes, and cookies** in
14 the home for sale. This Section shall not be construed to allow the sale or
15 distribution of any unwholesome food.

16 **(b) The provisions of Subparagraph (a) of this Paragraph shall not apply**
17 **to any preparer of cakes and cookies who employs any individual to assist in the**
18 **preparation of such cakes and cookies.**

19 **(2) Notwithstanding any provision of law to the contrary, the following**
20 **provisions of the state Sanitary Code shall apply to the preparation of cakes and**
21 **cookies in the home for sale:**

22 **(a) All outside openings shall be protected against flies and other**
23 **vermin.**

1 **(b) The building shall be constructed so as to exclude rats, mice, roaches**
2 **or other vermin. Domestic pets shall be excluded in any part of the**
3 **establishment where the preparation and baking of such cakes and cookies take**
4 **place.**

5 **(c) All equipment used or connected in any way with the manufacture,**
6 **baking, cooking or other processing, handling, packing or storing of any bakery**
7 **or confectionery product shall comply with the following:**

8 **(i) Be maintained in a clean and sanitary manner, be free from cracks**
9 **and, wherever possible, be composed of non-corroding, metal or other smooth,**
10 **impervious material giving an easily cleanable surface. Stationary or not readily**
11 **movable equipment shall be so installed as to provide for easy cleaning.**

12 **(ii) Refrigeration shall be provided so that all perishable food products**
13 **used in the manufacturer processing of any kind connected with the production,**
14 **distribution or sale of bakery or confectionery products shall be maintained at**
15 **a temperature not to exceed forty-five degrees Fahrenheit.**

16 **(iii) Equipment too large to permit washing in the sinks shall be cleaned**
17 **in a manner approved by the state health officer.**

18 **(iv) All barrels, boxes, tubs, pails, kneading troughs, machines, racks,**
19 **pans or other receptacles used for holding materials from which bakery or**
20 **confectionery products are manufactured shall be kept clean and sanitary and**
21 **shall be so constructed as to be easily cleanable.**

22 **(v) All food contact surfaces shall be cleaned and sanitized after each**
23 **day's production.**

24 **(d) Only pasteurized milk or milk products shall be used in the**
25 **preparation of custard and cream-filled bakery products.**

26 **(e) All custard or cream-filled mixtures shall be cooked, the temperature**
27 **and time of heating of the mix, to be at a minimum, the equivalent of a**
28 **temperature of one hundred forty-five degrees Fahrenheit for a period of not**
29 **less than thirty minutes.**

30 **(f) Upon completion of the cooking of the mix, it shall be immediately**

1 transferred into previously sanitized containers, properly covered and chilled
2 as rapidly as possible to forty-five degrees Fahrenheit or below and maintained
3 at such a temperature until used.

4 (g) The apparatus and food contact surfaces used in adding any custard
5 or cream filling to a bakery product shall be of impervious material and shall
6 be thoroughly cleaned and sanitized after each use, in a manner approved by
7 the state health officer. No cloth filled bags shall be used.

8 (h) Preparers engaged in the preparation of custard or cream-filled
9 bakery products shall not touch the custard or cream filling with their hands
10 after it has been cooked.

11 B. This Section shall not apply to any preparers of jellies, preserves, jams,
12 honey, and honeycomb products, cakes, and cookies which are made at a home for
13 sale, whose gross annual sales equal ~~five~~ twenty thousand dollars or more.

14 C. ~~The Department of Revenue shall provide to the Department of Health and~~
15 ~~Hospitals the names of all preparers of jellies, preserves, jams, honey, and~~
16 ~~honeycomb products which are made at home for sale, whose gross annual sales~~
17 ~~equal five thousand dollars or more~~ Any individual selling cookies and cakes from
18 the home for sale to the public pursuant to this Section shall not sell such cakes
19 and cookies to any retail business or individual for resale.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____