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An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §411, sub-§3 is enacted to read:

3. Agricultural producer. "Agricultural producer" means a person who harvests or produces a farm food product.

Sec. 2. 7 MRSA §411, sub-§4 is enacted to read:

4. Agritourism. "Agritourism" means an activity or demonstration offered to persons visiting a farm. "Agritourism" includes, but is not limited to, participating in the harvesting of fruits and vegetables or the production of maple syrup, riding horses, learning about animal husbandry and fiber production and shopping in farm gift shops and at farm stands for local and regional farm and food products or handcrafted gifts.

Sec. 3. 7 MRSA §411, sub-§5 is enacted to read:

5. Farmers' market. "Farmers' market" has the same meaning as in section 415, subsection 1, paragraph A.

Sec. 4. 7 MRSA §411, sub-§6 is enacted to read:

6. Farm food product. "Farm food product" means any food product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider and fruit juice.

Sec. 5. 7 MRSA §411, sub-§7 is enacted to read:

7. Home kitchen producer. "Home kitchen producer" means a person who prepares food in a private home kitchen that is not licensed as a food establishment under Title 22, chapter 551 when that food is sold, offered for sale or offered for consumption outside the home.

Sec. 6. 7 MRSA §411, sub-§8 is enacted to read:

8. Homemade food. "Homemade food" means food that is prepared in a private home kitchen that is not licensed as a food establishment under Title 22, chapter 551.

Sec. 7. 7 MRSA §411, sub-§9 is enacted to read:

9. Informed end-consumer. "Informed end-consumer" means, with regard to a farm food product or homemade food, a person who:

- A. Purchases or consumes the farm food product or homemade food;
- B. Does not resell the farm food product or homemade food or process and sell food prepared with the farm food product or homemade food; and
- C. Has been informed that the agricultural producer or home kitchen producer is not licensed under Title 22, chapter 551 and the farm food product or homemade food is not inspected.

Sec. 8. 7 MRSA §411, sub-§10 is enacted to read:

10. Traditional community social event. "Traditional community social event" means an event where people gather as part of a community for the benefit of those gathering or for the benefit of the community, including but not limited to a:

- A. Wedding;
- B. Funeral;
- C. Church or religious social;
- D. School event;
- E. Potluck;
- F. Neighborhood gathering;
- G. Ladies' or gentlemen's club meeting or social; or
- H. Youth club meeting or social.

Sec. 9. 7 MRSA §416 is enacted to read:

§ 416. Purchasing food from known sources

1. License not required for sale of farm food products. An agricultural producer is exempt from licensing requirements under Title 22, chapter 551 for sales of farm food products when the sales:

- A. Are made directly to an informed end-consumer; and
- B. Occur at a farmers' market, on the farm where the farm food product originated or at the home of the informed end-consumer.

2. License not required for sale or offering of homemade food. A home kitchen producer is exempt from licensing requirements under Title 22, chapter 551 for sales or offering of homemade food:

A. Directly to an informed end-consumer; and

B. Occurring at a farmers' market, at the home of the home kitchen producer or at a traditional community social event.

3. Food exempt from inspection. Farm food products and homemade food produced and sold in this State or prepared and served in this State are not subject to inspection by the department under section 446 or Title 22, section 2162 or 2164 when:

A. The transaction is between an agricultural producer or a home kitchen producer and an informed end-consumer; or

B. The farm food product or homemade food is sold or served at a traditional community social event or an agritourism event.

4. Commissioner's authority. Notwithstanding subsection 3, when the commissioner is investigating an outbreak of a foodborne illness and has reason to believe that a farm food product or homemade food is adulterated pursuant to Title 22, section 2156, subsection 1, the commissioner shall inspect and may detain, embargo or condemn those products in accordance with Title 22, section 2159.

Sec. 10. 22 MRSA §2152, sub-§8 is repealed.

Sec. 11. 22 MRSA §2152-A is enacted to read:

§ 2152-A. Application

Except as provided in Title 7, section 416, subsection 4, this subchapter does not apply to the sale of farm food products and homemade food to informed end-consumers as those terms are defined in Title 7, section 411.

SUMMARY

This bill facilitates direct sales between Maine farmers and consumers. It allows people preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.