

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Promote Small Diversified Farms and Small Food Producers**

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

**Sec. 1. 7 MRSA §411**, as enacted by PL 1977, c. 505 and amended by PL 1979, c. 731, §19 and PL 2011, c. 657, Pt. W, §6, is further amended to read:

### **§ 411. Definitions**

As used in this subchapter, the following terms shall have the following meanings.

**1. Commissioner.** "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.

**2. Direct-marketing.** "Direct-marketing" means the marketing of agricultural commodities by farmers directly to consumers.

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

**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.

**5. 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.

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

**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.

**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.

**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 farm food product or homemade food was not produced in a food establishment licensed under Title 22, chapter 551 and that the farm food product or homemade food has not been inspected.

**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. 2. 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 the 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.

Farm food products and homemade food must be sold in packages from a private home kitchen, farm stand or farmers' market with a label on each package containing the following information: the name, address, including zip code, and phone number of the producer; the name of the food product; the ingredients of the food product in descending order of predominance by weight; any allergy information; and a net quantity declaration. Farm food products and homemade food must also be clearly labeled with the following statement, if applicable: "Sold for personal use only and not for resale. This food is exempt from licensing and inspection by the State of Maine."

**4. Commissioner's authority.** Notwithstanding subsection 3, when the commissioner is investigating an outbreak of a foodborne illness and has reason to believe that farm food products 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. 3. 22 MRSA §2152, sub-§8** is repealed.

**Sec. 4. 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 defined in Title 7, section 411, subsections 5, 8 and 9, respectively.

## **SUMMARY**

This bill facilitates direct sales between Maine farmers and consumers. It allows persons 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.