

HOUSE BILL 299

By Hawk

AN ACT to amend Tennessee Code Annotated, Section 53-1-103; Section 53-1-208; Title 53, Chapter 12; Section 53-2-107; Title 53, Chapter 8, Part 1 and Title 53, Chapter 9, relative to regulation of food manufacturing and processing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-1-103(a)(4), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of §§ 53-1-110, 53-1-206, 53-1-208, 53-1-209, or any rule promulgated thereunder;

SECTION 2. Tennessee Code Annotated, Section 53-1-208(b), is amended by deleting the subsection in its entirety and substituting instead the following language:

(b) Except as provided in subsection (d), no person shall manufacture, process, pack, or hold food for introduction into commerce unless the person holds a valid license issued by the commissioner. Applicants for licensure shall submit an application for the license on forms provided by the commissioner. The commissioner may issue a license to an applicant only upon receipt of the proper license fee and an inspection of the applicant's facility that indicates the applicant is in compliance with the requirements of this part and the rules promulgated thereunder. Licenses issued under this section shall expire on July 1 of each year or as the commissioner may otherwise provide by rule. The commissioner shall set annual fees for licenses issued under this section by rule pursuant to § 43-1-703. Notwithstanding § 43-1-704(b), the commissioner shall set fees for licenses issued under this section on or before April 1, 2018.

SECTION 3. Tennessee Code Annotated, Section 53-1-208, is amended by adding the following as new, appropriately designated subsections:

(d) No license shall be required under this section for any person who manufactures, processes, packs, or holds food for introduction into commerce, if:

(1) The food is not potentially hazardous, as defined by departmental regulation;

(2) The person is not subject to any license or permit requirements under §§ 53-2-107, 53-3-105, 53-3-106, 53-7-216, 53-7-220, or 53-8-206;

(3) The person introduces food into commerce only through direct retail sales to end consumers in the state;

(4) The person employs no regular, full-time employees for the manufacturing, processing, packing, or holding of food; and

(5) Prior to introducing the food into commerce, the person labels the food in accordance with this part and regulations promulgated by the commissioner.

(e) Exemption from licensure requirements under this section shall not be construed to exempt any person from any other regulations applicable to the manufacturing, processing, packing, or holding of food for introduction into commerce, including, but not limited to, requirements regarding recordkeeping, sanitary operation, and availability for inspection by agencies charged with enforcing food safety laws.

SECTION 4. Tennessee Code Annotated, Section 53-2-107(5), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(5) Food manufacturers purchasing eggs for use and used only in the manufacture of their products;

SECTION 5. Tennessee Code Annotated, Title 53, Chapter 8, Part 1, is amended by deleting the part in its entirety.

SECTION 6. Tennessee Code Annotated, Title 53, Chapter 9, is amended by deleting the chapter in its entirety.

SECTION 7. Tennessee Code Annotated, Title 53, Chapter 12, is amended by deleting the chapter in its entirety.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.