

HB 1565-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0473h

21Mar2024... 0874h

2024 SESSION

24-2050

08/05

HOUSE BILL ***1565-FN***

AN ACT relative to the definition of potentially hazardous food.

SPONSORS: Rep. Coulon, Graf. 5; Rep. Costable, Carr. 8; Rep. Granger, Straf. 2; Sen. Innis,
Dist 7

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill removes "processed acidified" food from the definition of potentially hazardous food.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1565-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0473h

21Mar2024... 0874h

24-2050

08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the definition of potentially hazardous food.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Homestead Food License Required; Potentially Hazardous Food; Definition. Amend RSA 143-
2 A:12, I(b) to read as follows:

3 (b) "Potentially hazardous food" means foods requiring temperature control for safety
4 because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms,
5 and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also
6 include ~~[processed-acidified-and]~~ low acid canned foods.

7 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1565-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0473h)

AN ACT relative to the definition of potentially hazardous food.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Approximate \$10,000 decrease	Approximate \$10,000 decrease	Approximate \$10,000 decrease
Revenue Fund(s)	General Fund			
Expenditures	\$0	\$0 - \$10,000	\$0 - \$10,000	\$0 - \$10,000
Funding Source(s)	General Fund			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ See Below
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill removes processed acidified foods from the definition of "potentially hazardous food" under RSA 143-A:12. Currently, producers of such foods are required to hold a license and the products must be made in a commercial kitchen. Under this bill, some producers may no longer require licensure should they choose to make processed acidified foods as homestead food operations. The Department of Health and Human Services estimates that the impact on state revenues from loss of licensure and annual fees (which could be partially offset from additional homestead licensing fees should entities opt to register as such) will be approximately \$10,000 per year. The Department further notes that it may incur additional expenses for staff time, travel, and laboratory testing to investigate foodborne illnesses caused by homestead foods. While these expenses are indeterminable, the Department did provide an estimate of up to \$10,000 annually.

The New Hampshire Municipal Association states the bill is not expected to have a fiscal impact.

It is assumed that the fiscal impact will begin in FY 2025.

AGENCIES CONTACTED:

Department of Health and Human Services and New Hampshire Municipal Association

