# Summary of Cottage Food Laws in the U.S.

Compiled by Christina Oatfield, Food Policy Research Associate
Sustainable Economies Law Center, www.TheSELC.org

**Please check this information for accuracy before you rely on it as new cottage food laws and updates to regulations go into effect frequently. Thank you!**

| State | Statute | Link | Year Adopted | Foods Allowed | May sell to: | Inspection Required? | Permit required? Cost of permit? | Limit on Gross Sales? | Other Provisions or Limitations |
|---|---|---|---|---|---|---|---|---|---|
| **Alabama** | Ala. Admin. Code r. 420-3-22-.01(8) | http://www.alabamaadministrativecode.state.al.us/docs/hlth/420-3-22.pdf | 2009 | typical non-potentially hazardous foods | Farmers' markets and at charitable, civic and nonprofit events only | no | none | none | |
| **Arizona** | ARS 36-136 (H)(4)(g) and (H)(13) | http://www.azdhs.gov/phs/oeh/fses/goods/index.htm | 2011 | baked goods and dry goods | grocery stores, direct-to-consumer, farmers markets and to restaurants | no | Free registration required | none | Counties can require producers to have a Food Handlers' Card |
| **Arkansas** | Arkansas Code 20-57-201 | www.arkleg.state.ar.us/assembly/2011/2011R/Acts/Act72.pdf | 2011 | typical non-potentially hazardous foods plus fresh produce, maple syrup and sorghum | direct-to-consumer only | no | none | none | Producer must provide a sample of product upon request of health department |
| **Florida** | Florida Statutes 500.80(5) | http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0500-0599/0500/0500ContentsIndex.html&StatuteYear=2010&Title=-%3E2010-%3EChapter%20500 | 2011 | typical non-potentially hazardous foods including vinegar | direct-to-consumer only | no (unless a complaint is filed) | none | $15,000/yr | |
| **Illinois** | Illinois Compiled Statutes 410 Ch 91.5 part 126 | | 2011 | typical non-potentially hazardous foods | farmers' markets only | yes | fees vary by county | $25,000/yr | Must have a Food Service Sanitation Manager Certificate |

EXHIBIT 1
DATE 3/26/13
HB 630

| State | Statute | Link | Year Adopted | Foods Allowed | May sell to: | Inspection Required? | Permit required? Cost of permit? | Limit on Gross Sales? | Other Provisions or Limitations |
|---|---|---|---|---|---|---|---|---|---|
| **Indiana** | Indianna Code 16-42-5-29 | http://www.in.gov/legislative/ic/code/title16/ar42/ch5.html | 2009 | typical non-potentially hazardous foods | direct-to-consumer only | no, unless suspected adulteration, misbranding | none | none | |
| **Iowa** | | http://www.extension.iastate.edu/valueaddedag/info/IowaLawforHomeFoodBusinesses.htm | 2005 | typical non-potentially hazardous foods | direct-to-consumer only | | $33.75 | $20,000/yr | |
| **Kansas** | Ch 1, part 1-2 of Kansas Food Code | http://www.ksda.gov/includes/document_center/food_safety/Food_Safety/KS_Food_Code_chpt9.pdf | | Typical non-potentially hazardous foods | direct-to-consumer only | no | none | none | |
| **Kentucky Home-based Processor program** | KRS 217.136 | http://www.lrc.ky.gov/krs/217-00/136.pdf | 2003 | typical non-potentially hazardous foods but pies, cakes, etc. must contain a fruit or nut grown by the producer; fresh produce ok too | direct-to-consumer only | no, but state reserves the right to | none | none | |
| **Kentucky Home-based Microprocessor program** | 217.137 | http://www.lrc.state.ky.us/KRS/217-00/137.PDF | 2003 | typical non-refrigerated foods including jam plus salsa, pickled and canned vegetables , herbal vinegars and barbeque sauce | Direct-to-consumer plus in-state retailers (grocery stores, restaurants, internet) | yes | $50/yr plus certifcation course that costs $50 every 3 years | none | must grow, harvest and process primary ingredient; must attend a workshop at U of Kentucky which includes an exam. |
| **Maine** | Ch 345 of Division of Rural Resources of Main Dept. of Agriculture, Food & Rural Resources | www.maine.gov/sos/cec/rules/01/001/001c345.doc | 1980 | typical non-potentially hazardous foods | Direct-to-consumer, grocery stores, restaurants and other wholesale ok | yes | $20/yr | none | Doors and windows must have screens; walls and ceilings must be washable; sink must have 2 basins; No label required if sold directly to consumer from the home |

| State | Statute | Link | Year Adopted | Foods Allowed | May sell to: | Inspection Required? | Permit required? Cost of permit? | Limit on Gross Sales? | Other Provisions or Limitations |
|---|---|---|---|---|---|---|---|---|---|
| **Massachusetts** | 105 CMR sections 500.000, 520.000 and 590.000 | http://www.cohassetmass.org/health/res_kit_brochure.pdf | | typical non-potentially hazardous foods | direct-to-consumer, grocery stores, restaurants and other retailers | yes | $300 one time | none | Only household members may participate in preparing food |
| **Michigan** | 289.1105 Sections H, I and K (I and ii) and 289.4102 | http://www.legislature.mi.gov/%28S%28z3pwnn4551fpphyodbdabvzf%29%29/mileg.aspx?page=GetObject&objectname=mcl-act-92-of-2000 | 2010 | baked goods (no cream, custard, meat filling), cotton candy, jam, popcorn, dry herb mixes, dry bulk mixes, (un)coated nuts, chocolate covered non-perishables and choc covered strawberries, pineapple, bananas, dried egg pasta | direct-to-consumer in person only | no | no | $15,000 / household / year | |
| **Minnesota** | Statutes Chapter 28A.15 | https://www.revisor.mn.gov/statutes/?id=28A&view=chapter#stat.28A.15 | 2010 | canned goods with pH of 4.6 or lower | direct-to-consumer at home, social events, farmers' markets and community events but not trade shows or for-profit events | no | no | $5,000/year | |
| **Missouri** | Missouri Food Code, Chapter 1, section 31.viii | http://health.mo.gov/safety/foodsafety/foodcode.php#_Toc464311846 | 1999 | typical non-potentially hazardous foods including jam | direct-to-consumer only | not in state law; local cities/ counties may require it | none | none | |
| **New Hampshire** | He-P 2303, 2309 and 2310 | http://www.gencourt.state.nh.us/rules/state_agencies/he-p2300.html | | Basic baked goods, double-crusted fruit pies, candy and fudge, dry packed goods such as dry herbs/spices, acid foods such as vinegars and mustards, and jams | direct-to-consumer and retailers | | $50/year (or $325/year for wholesale) | | Must have all recipes approved by a food processing authority and keep pH tests on file; must have either a dishwasher or 2-compartment sink |

| State | Statute | Link | Year Adopted | Foods Allowed | May sell to: | Inspection Required? | Permit required? Cost of permit? | Limit on Gross Sales? | Other Provisions or Limitations |
|---|---|---|---|---|---|---|---|---|---|
| **New Mexico** | NMAC Title 7, Chapter 6 Part 2 | http://www.nmcpr.state.nm.us/nmac/parts/title07/07.006.0002.htm | 2010 | typical non-potentially hazardous foods | directo-to consumers only | yes | $100/yr | | must attend food safety training every 5 years |
| **New York** | See N.Y. Comp. Codes R. & Regs. Title 1, § 276.3(b)(3) & 276.4(b) (2010) | | | | | | | | See also, current legislation: http://open.nysenate.gov/legislation/bill/S2370A-2011 |
| **North Carolina** | | See: http://www.ncagr.gov/fooddrug/food/homebiz.htm | | | | | | | |
| **Ohio** | Revised Code Chapter 3715; Chapter 901:3-20 | http://codes.ohio.gov/oac/901%3A3-20 | 2001 | baked goods (no cream, custard or meat filling), jam, candy, granola, popcorn, waffle cones, pizzelles, dry cereal, nut mix, chocolate covered non-perishables, roasted coffee, dry baking mixes, herb blends, dried tea. | Grocery stores, direct-to-consumer, farmers markets and to restaurants | no | no | none | |
| **Oregon** | ORS 616.706 and OAR 603-025-0200 | http://www.leg.state.or.us/ors/616.html | | typical non-potentially hazardous foods, but must have separate refrigeration unit | | | $189/yr | | Specifies that the business can have non-resident employees |
| **Pennsylvania** | | http://www.portal.state.pa.us/portal/server.pt/gateway/PTARGS_0_2_24476_10297_0_43/http%3B/10.41.0.36/AgWebsite/ProgramDetail.aspx?name=Home-Food-Processing&navid=1 | 2010 | typical non-potentially hazardous foods | grocery stores, direct-to-consumer, farmers markets and to restaurants | yes | $35 | | |

| State | Statute | Link | Year Adopted | Foods Allowed | May sell to: | Inspection Required? | Permit required? Cost of permit? | Limit on Gross Sales? | Other Provisions or Limitations |
|---|---|---|---|---|---|---|---|---|---|
| | | 2&parentnavid=0&palid=134& | | | | | | | |
| **South Dakota** | South Dakota Codified Law (SDCL) 34-18-34 - 37 | http://doh.sd.gov/HealthProtection/default.aspx | 2010 | typical non-potentially hazardous foods; can do pickled and fermented foods if a course if taken | Farmers' markets, roadside stands, churches and community bazaars or festivals | no | none | none | Must have each product tested to verify that is has a pH of below 4.6 |
| **Tennessee** | Rules of Tennessee Dept of Ag Chapter 0080-4-11 | http://tennessee.gov/sos/rules/0080/0080-04/0080-04-11.pdf | 2007 | typical non-potentially hazardous foods | | yes | $50 (per year?) | 100 units of sale/week (eg no more than 100 loaves of bread or 100 bags of one dozen cookies) | can have non-resident employees |
| **Texas** | Section 437.0191 of Health and Safety Code | http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/SB00081F.pdf | 2011 | non-potentially hazardous baked goods, canned jams, jellies, and dry spice mixes | direct-to-consumer and from the home only | no | TBD | $50,000 per year | can have non-resident employees |

| State | Statute | Link | Year Adopted | Foods Allowed | May sell to: | Inspection Required? | Permit required? Cost of permit? | Limit on Gross Sales? | Other Provisions or Limitations |
|---|---|---|---|---|---|---|---|---|---|
| **Utah** | Utah Code Title 4 Ch 5 Section 9.5 | http://le.utah.gov/~code/TITLE04/htm/04_05_000905.htm | 2008 | typical non-potentially hazardous foods, hardboiled eggs. Separate storage (including refrigeration) required | no restrictions found besides "within the state" | yes | $30/yr | | Individual "operating" the cottage food production must be a resident (no mention of forbidding them to employ non-residents); State agency must approve recipes |
| **Vermont** | Ch 5 Sub-CH 5, Section 751-762 and Title 18 VSA Chapter 85 Subchapter 4 | http://healthvermont.gov/enviro/food_lodge/Bakeries.aspx and http://le.utah.gov/~code/TITLE04/htm/04_05_000905.htm | 1978 | baked goods | | | $50/yr | | |
| **Virginia** | Virginia Food Laws Section 3.2-5130 | http://www.vdacs.virginia.gov/fdsafety/index.shtml | 1978? | typical non-potentially hazardous foods | direct-to-consumer only | yes | $100/yr | | |
| **Washington** | RCW 69.07.120 and others | http://apps.leg.wa.gov/billinfo/summary.aspx?year=2011&bill=5748 | 2011 | typical non-potentially hazardous foods | | | $105/yr | | |
| **West Virginia** | Title 64, Series 17, section 4.3.d | http://apps.sos.wv.gov/adlaw/files/rulespdf/64-17.pdf | | typical non-potentially hazardous foods | direct-to-consumer only and for sale at a religious or charitable organization's bake sale | no | none | none | |
| **Wisconsin** | 97.30 | https://docs.legis.wisconsin.gov/statutes/statutes/97/30 | | typical non-potentially hazardous foods including hardboiled eggs | | | | | |
| **Wyoming** | Wyoming Food Safety Rule Ch. 2 | http://wyagric.state.wy.us/images/stories/pdf/chs/farmersmktandlocal.pdf | | typical non-potentially hazardous foods | Direct-to-consumer only | yes | $100 initial; $50 annual renewal | none | |