

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

Compiled by Christina Oatfield, Food Policy Research Associate  
Sustainable Economies Law Center, [www.TheSELC.org](http://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!**

<u>State</u>	<u>Statute</u>	<u>Link</u>	<u>Year Adopted</u>	<u>Foods Allowed</u>	<u>May sell to:</u>	<u>Inspection Required?</u>	<u>Permit required? Cost of permit?</u>	<u>Limit on Gross Sales?</u>	<u>Other Provisions or Limitations</u>
<b>Alabama</b>	Ala. Admin. Code r. 420-3-22-.01(8)	<a href="http://www.alabamaadministrativecode.state.al.us/docs/hlth/420-3-22.pdf">http://www.alabamaadministrativecode.state.al.us/docs/hlth/420-3-22.pdf</a>	2009	typical non-potentially hazardous foods	Farmers' markets and at charitable, civic and nonprofit events only	no	none	none	
<b>Arizona</b>	ARS 36-136 (H)(4)(g) and (H)(13)	<a href="http://www.azdhs.gov/phs/oe/fses/goods/index.htm">http://www.azdhs.gov/phs/oe/fses/goods/index.htm</a>	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
<b>Arkansas</b>	Arkansas Code 20-57-201	<a href="http://www.arkleg.state.ar.us/assembly/2011/2011R/Acts/Act72.pdf">www.arkleg.state.ar.us/assembly/2011/2011R/Acts/Act72.pdf</a>	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
<b>Florida</b>	Florida Statutes 500.80(5)	<a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0500-0599/0500/0500ContentsIndex.html&amp;StatuteYear=2010&amp;Title=-%3E2010-%3EChapter%20500">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0500-0599/0500/0500ContentsIndex.html&amp;StatuteYear=2010&amp;Title=-%3E2010-%3EChapter%20500</a>	2011	typical non-potentially hazardous foods including vinegar	direct-to-consumer only	no (unless a complaint is filed)	none	\$15,000/yr	
<b>Illinois</b>	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

<u>State</u>	<u>Statute</u>	<u>Link</u>	<u>Year Adopted</u>	<u>Foods Allowed</u>	<u>May sell to:</u>	<u>Inspection Required?</u>	<u>Permit required? Cost of permit?</u>	<u>Limit on Gross Sales?</u>	<u>Other Provisions or Limitations</u>
<b>Indiana</b>	Indiana Code 16-42-5-29	<a href="http://www.in.gov/legislative/ic/code/title16/ar42/ch5.html">http://www.in.gov/legislative/ic/code/title16/ar42/ch5.html</a>	2009	typical non-potentially hazardous foods	direct-to-consumer only	no, unless suspected adulteration, misbranding	none	none	
<b>Iowa</b>		<a href="http://www.extension.iastate.edu/valueaddedag/info/IowaLawforHomeFoodBusinesses.htm">http://www.extension.iastate.edu/valueaddedag/info/IowaLawforHomeFoodBusinesses.htm</a>	2005	typical non-potentially hazardous foods	direct-to-consumer only		\$33.75	\$20,000/yr	
<b>Kansas</b>	Ch 1, part 1-2 of Kansas Food Code	<a href="http://www.ksda.gov/includes/document_center/food_safety/Food_Safety/KS_Food_Code_chpt9.pdf">http://www.ksda.gov/includes/document_center/food_safety/Food_Safety/KS_Food_Code_chpt9.pdf</a>		Typical non-potentially hazardous foods	direct-to-consumer only	no	none	none	
<b>Kentucky Home-based Processor program</b>	KRS 217.136	<a href="http://www.lrc.ky.gov/krs/217-00/136.pdf">http://www.lrc.ky.gov/krs/217-00/136.pdf</a>	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	
<b>Kentucky Home-based Microprocessor program</b>	217.137	<a href="http://www.lrc.state.ky.us/KRS/217-00/137.PDF">http://www.lrc.state.ky.us/KRS/217-00/137.PDF</a>	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 certification 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.
<b>Maine</b>	Ch 345 of Division of Rural Resources of Main Dept. of Agriculture, Food & Rural Resources	<a href="http://www.maine.gov/sos/cec/rules/01/001/001c345.doc">www.maine.gov/sos/cec/rules/01/001/001c345.doc</a>	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

<u>State</u>	<u>Statute</u>	<u>Link</u>	<u>Year Adopted</u>	<u>Foods Allowed</u>	<u>May sell to:</u>	<u>Inspection Required?</u>	<u>Permit required? Cost of permit?</u>	<u>Limit on Gross Sales?</u>	<u>Other Provisions or Limitations</u>
<b>Massachusetts</b>	105 CMR sections 500.000, 520.000 and 590.000	<a href="http://www.cohasset.mass.org/health/res_kit_brochure.pdf">http://www.cohasset.mass.org/health/res_kit_brochure.pdf</a>		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
<b>Michigan</b>	289.1105 Sections H, I and K (I and ii) and 289.4102	<a href="http://www.legislature.mi.gov/%28S%28z3pwnn4551fpphyodbabvzf%29%29/mileg.aspx?page=GetObject&amp;objectname=mcl-act-92-of-2000">http://www.legislature.mi.gov/%28S%28z3pwnn4551fpphyodbabvzf%29%29/mileg.aspx?page=GetObject&amp;objectname=mcl-act-92-of-2000</a>	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	
<b>Minnesota</b>	Statutes Chapter 28A.15	<a href="https://www.revisor.mn.gov/statutes/?id=28A&amp;view=chapter#stat.28A.15">https://www.revisor.mn.gov/statutes/?id=28A&amp;view=chapter#stat.28A.15</a>	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	
<b>Missouri</b>	Missouri Food Code, Chapter 1, section 31.viii	<a href="http://health.mo.gov/safety/foodsafety/foodcode.php#_Toc464311846">http://health.mo.gov/safety/foodsafety/foodcode.php#_Toc464311846</a>	1999	typical non-potentially hazardous foods including jam	direct-to-consumer only	not in state law; local cities/counties may require it	none	none	
<b>New Hampshire</b>	He-P 2303, 2309 and 2310	<a href="http://www.gencourt.state.nh.us/rules/stat_e_agencies/he-p2300.html">http://www.gencourt.state.nh.us/rules/stat_e_agencies/he-p2300.html</a>		Basic baked goods, double-crust 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

<u>State</u>	<u>Statute</u>	<u>Link</u>	<u>Year Adopted</u>	<u>Foods Allowed</u>	<u>May sell to:</u>	<u>Inspection Required?</u>	<u>Permit required? Cost of permit?</u>	<u>Limit on Gross Sales?</u>	<u>Other Provisions or Limitations</u>
<b>New Mexico</b>	NMAC Title 7, Chapter 6 Part 2	<a href="http://www.nmcpr.state.nm.us/nmac/parts/title07/07.006.0002.htm">http://www.nmcpr.state.nm.us/nmac/parts/title07/07.006.0002.htm</a>	2010	typical non-potentially hazardous foods	directo-to consumers only	yes	\$100/yr		must attend food safety training every 5 years
<b>New York</b>	See N.Y. Comp. Codes R. & Regs. Title 1, § 276.3(b)(3) & 276.4(b) (2010)								See also, current legislation: <a href="http://open.nysenate.gov/legislation/bill/S2370A-2011">http://open.nysenate.gov/legislation/bill/S2370A-2011</a>
<b>North Carolina</b>		See: <a href="http://www.ncagr.gov/fooddrug/food/hom ebiz.htm">http://www.ncagr.gov/fooddrug/food/hom ebiz.htm</a>							
<b>Ohio</b>	Revised Code Chapter 3715; Chapter 901:3-20	<a href="http://codes.ohio.gov/oac/901%3A3-20">http://codes.ohio.gov/oac/901%3A3-20</a>	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, famers markets and to restaurants	no	no	none	
<b>Oregon</b>	ORS 616.706 and OAR 603-025-0200	<a href="http://www.leg.state.or.us/ors/616.html">http://www.leg.state.or.us/ors/616.html</a>		typical non-potentially hazardous foods, but must have separate refrigeration unit			\$189/yr		Specifies that the business can have non-resident employees
<b>Pennsylvania</b>		<a href="http://www.portal.state.pa.us/portal/server.pt/gateway/PTARG_S_0_2_24476_10297_0_43/http%3B/10.41.0.36/AgWebsite/ProgramDetail.aspx?name=Home-Food-Processing&amp;navid=1">http://www.portal.state.pa.us/portal/server.pt/gateway/PTARG_S_0_2_24476_10297_0_43/http%3B/10.41.0.36/AgWebsite/ProgramDetail.aspx?name=Home-Food-Processing&amp;navid=1</a>	2010	typical non-potentially hazardous foods	grocery stores, direct-to-consumer, famers markets and to restaurants	yes	\$35		

<u>State</u>	<u>Statute</u>	<u>Link</u>	<u>Year Adopted</u>	<u>Foods Allowed</u>	<u>May sell to:</u>	<u>Inspection Required?</u>	<u>Permit required? Cost of permit?</u>	<u>Limit on Gross Sales?</u>	<u>Other Provisions or Limitations</u>
		2&parentnavid=0&palid=134&							
<b>South Dakota</b>	South Dakota Codified Law (SDCL) 34-18-34 - 37	<a href="http://doh.sd.gov/HealthProtection/default.aspx">http://doh.sd.gov/HealthProtection/default.aspx</a>	2010	typical non-potentially hazardous foods; can do pickled and fermented foods if a course is taken	Farmers' markets, roadside stands, churches and community bazaars or festivals	no	none	none	Must have each product tested to verify that it has a pH of below 4.6
<b>Tennessee</b>	Rules of Tennessee Dept of Ag Chapter 0080-4-11	<a href="http://tennessee.gov/sos/rules/0080/0080-04/0080-04-11.pdf">http://tennessee.gov/sos/rules/0080/0080-04/0080-04-11.pdf</a>	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
<b>Texas</b>	Section 437.0191 of Health and Safety Code	<a href="http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/SB00081F.pdf">http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/SB00081F.pdf</a>	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

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

