

Summary of Cottage Food Laws in the U.S.

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Please check this information for accuracy before you rely on it. 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>
Alabama	Ala. Admin. Code r. 420-3-22-.01(8)	http://www.alabamaadministrativecode.state.al.us/docs/hlt/h/420-3-22.pdf	2009	typical non-potentially hazardous foods plus fresh unprepared produce and potentially hazardous foods that are bought from proper sources and heated on site	may only sell on the premises where food is prepared	yes		none	two compartment dishwashing sink plus handwashing sink required
Arkansas	Arkansas Code 20-57-201	https://mail.google.com/mail/?ui=2&view=bsp&ver=ohhl4rw8mbn4	2011	typical non-potentially hazardous foods plus fresh produce, honey, maple syrup and sorghum	direct-to-consumer only	no	none	none	
Indiana	Indiana 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	none		
Iowa				baked goods only		must have separate inspected kitchen	\$33.75/yr	\$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	2008?	typical non-potentially hazardous foods	direct-to-consumer only	no	none	none	

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Kentucky (Home-based Processor)	KRS 217.136	http://www.lrc.ky.gov/krs/217-00/136.pdf	2003	typical non-potentially hazardous foods including jam but pies, cakes, etc. must contain a fruit or nut grown by the producer	direct-to-consumer only	no, but state reserves the right to	none	none	
Kentucky (Home-based Microprocessor)	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	in-state retailers (grocery stores, restaurants, etc.)	yes	\$50	none	must grow, harvest and process all ingredients; 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			must have separate kitchen that's inspected	\$20/yr		
Massachusetts	105 CMR sections 500.000, 520.000 and 590.000	http://www.mass.gov/?pageID=eohhs2terminal&L=5&L0=Home&L1=Government&L2=Laws%2c+Regulations+and+Policies&L3=Department+of+Public+Health+Regulations+%26+Policies&L4=Regulations+and+Other+Publications+-+E+to+H&sid=Eeohhs2&b=terminalcontent&f=dph_reggs_food_safety&csid=Eeohhs2		typical non-potentially hazardous foods, including jams	direct-to-consumer and retailers	yes	\$300 one time		Only household members may participate

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Michigan	289.1105 Sections H, I and K (i and ii) and 289.4102	http://www.legislature.mi.gov/%28S%28z3pwnn4551fpphyodbdbavzf%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 only at the home, at social events, farmers' markets and community events but not trade shows and 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	

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New Hampshire	He-P 2303, 2309 and 2310	http://www.gencourt.state.nh.us/rules/stat_e_agencies/he-p2300.html	2009?	basic baked goods, double-crustured 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	no?	none		
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		

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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=12&parentnavid=0&palid=134&	2010	typical non-potentially hazardous foods	grocery stores, direct-to-consumer, farmers markets and to restaurants	yes	\$35		
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

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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 including jam	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 including jam			\$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 including jam	direct-to-consumer only and for sale at a religious or charitable organization's bake sale	no	none	none	

States Where Cottage Food Laws Are Pending:

State	Status	link to campaign / petition website	link to introduced legislation
Colorado	Senate Bill 258 passed; pending in House		http://www.leg.state.co.us/clics/clics2011a/csl.nsf/fsbillcont2/F8D6BE2D5D5766528725780100604D0D?Open
Georgia	Food Freedom Act introduced in state legislature		
Illinois	SB 137 renamed SB 840 the Illinois Local Food Entrepreneur and Cottage Food Operation Act has been introduced in Senate	http://www.ilstewards.org/blog/8509	http://www.ilga.gov/legislation/billstatus.asp?DocNum=137&GAID=11&GA=97&DocTypeID=SB&LegID=54914&SessionID=84
Maryland	HB 728 introduced in 2009	http://www.petitiononline.com/mdbake/petition.html	
Mississippi		See these recommendations: http://hlsfoodsociety.weebly.com/uploads/5/0/5/8/5058105/ms_farmers_markets_-_legislative_recommendations_version_2__rotate.pdf	
New Jersey	grassroots campaign active; bill died in committee; S2908 being re-introduced in senate	http://www.petitiononline.com/NJHBL/petition.html	
New York	Additional legislation on cottage foods introduced in NY senate in 2011.		http://open.nysenate.gov/legislation/bill/S2370A-2011
Oklahoma		http://e-lobbyist.com/gaits/view/116531 and http://webserver1.lsb.state.ok.us/WebBillStatus/main.html	
Wyoming	Food Freedom Act introduced in 2010. Failed to pass a committee vote by 5-4 in 2010. New version that does not allow home production of foods containing meat and dairy is currently under consideration.	http://www.wyomingfoodfreedom.org/	http://legisweb.state.wy.us/2009/Introduced/HB0016.pdf