



California's Cottage Food Law

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UC | Cooperative Extension
CE | Cottage Foods



What's California's Cottage Food Law?

- AB1616—CA HomeMade Food Act--passed in 2012
- Primary objectives were to:
 - Promote local economic development
 - Increase access to healthy foods and promote healthy eating
 - Support community-based food production
- 45 states have Cottage Food laws
- Allows sale of **defined low-risk foods** prepared in the home kitchen of a private residence



Sales Limits & Other Requirements

- Annual Sales Limits
 - \$35,000 in Cottage Food gross revenues – 2013
 - \$45,000 in Cottage Food gross revenues – 2014
 - \$50,000 in Cottage Food gross revenues – 2015+
- Maximum of 1 FTE employee, not counting members of the household
- Children at 12 years old can work at CFO
- CFO must deliver product to customer; cannot mail



Food Handler Training Course

- CFOs (and involved household members and employees) must complete food processor course within 3 months of becoming registered/permitted and every 3 years thereafter
- Online courses run 2 hours, cost ~\$10-\$20
 - Includes a short exam
- <https://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=212&prgID=228&status=4>



Approved Cottage Food Products

as of January 2, 2015

- Baked goods, without cream, custard, or meat fillings, e.g. breads, biscuits, cakes, cookies, etc.
- Buttercream frosting, icing, fondant, and gum paste that do not contain eggs, cream or cream cheese
- Candied apples
- Candy—such as brittle and toffee, hard candy, cotton candy, salted caramel, fudge, marshmallow bars, chocolate-covered marshmallow
- Chocolate-covered nonperishable foods, such as nuts and dried fruits
- Dried or Dehydrated fruits & vegetables
- Dried herb blends, dried mole paste
- Dried vegetarian-based soup mixes
- Dried pasta
- Dry baking mixes
- Flat Icing



Approved Cottage Food Products

continued

- Fruit pies, fruit empanadas, and fruit tamales
- Granola, cereals, trail mixes
- Ground chocolate
- Honey & sweet sorghum syrup
- Marshmallows that don't contain eggs
- Nut mixes and nut butters
- Popcorn & popcorn balls
- Vegetable and potato chips
- Vinegar & mustard
- Roasted coffee & dried tea
- Waffle cones & pizelles
- Seasoning salt
- Fruit butters, jams, jellies, & preserves that comply with the standard described in **Part 150 of Title 21 of the Code of Federal Regulations**



Approved Cottage Food Products

as of January 2, 2015

*Jams, jellies, preserves, and fruit butter: Cottage food operations which produce jams, jellies, preserves, and other related products must be sure that their products meet the legal established standards of identity requirements for those products as set forth in [21 CFR Part 150](#). The purpose of the regulation is to maintain the integrity of the food product to ensure consumers consistently get what they expect. The product name and ingredients listed on the label must be factual and comply with the legal definitions and standards of identity or the product may be considered misbranded. Products made with other ingredients that are not defined in 21 CFR 150 cannot be produced by cottage food operations. Addition of other ingredients or alteration of ingredient profiles changes the chemistry of the food, which can allow the growth of various bacteria and toxins under the right conditions. For example, addition of peppers (i.e. jalapeno pepper) to make pepper jelly is not supported by 21 CFR 150 and the addition of this low acid ingredient could cause the formation of botulism toxin in the product if the proper controls are not used.

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NOT Approved as Cottage Foods

- Pickled products
- Nontraditional fruit preserves such as pepper jelly, low-sugar preserves, **chutneys**
- Jerky, meats
- Dairy products
- Salsas
- Anything that requires refrigeration



Class A Registration

- Apply to County Environmental Health department
- Limited to **direct sales** to consumers at:
 - holiday bazaars, bake sales, food swaps
 - farm stands
 - certified farmers' markets
 - CSA programs
 - In-person at cottage food operation



Class A Registration

- Since passage of **AB1252**, can sell direct in any county in California
- Must register annually with local environmental health agency
- Must self-certify regarding processing practices



Class B Permit

- “Class B” CFO kitchens & food storage areas are inspected initially prior to permit issuance and at each annual renewal
- Check with other counties regarding acceptance of permits from other counties



Registered or Permitted Areas

- Portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products, and related ingredients or equipment, or both, and attached rooms within the home that are used ***exclusively for storage***
- Do not include detached rooms or garages



Food Prep. & Sanitation

- Water used during the preparation of cottage food products shall meet **potable drinking water standards**
 - Washing, sanitizing, & drying of any equipment used in preparation of a cottage food product
 - Washing, sanitizing, & drying of hands and arms
 - Water used as an ingredient



Water Testing

- No water testing required for treated water from municipal districts; keep their annual water test report
- If using a private water supply such as a drilled well, you will be required to perform water quality testing to demonstrate if your water is potable.
- Minimum testing required initially are:
 1. Potability or bacteriological test (+every 3 months)
 2. Nitrates (+every year)
 3. Nitrites (+every 3 years)



Approved Source

- All food ingredients must be from an Approved Source, and are safe and wholesome.
- Approved sources include:
 - Any commercial vendor: retail stores, wholesalers, big box stores, etc.
 - Includes farmers with Certified Producers Certificate from Ag Commissioner
 - CSAs and CSA Producers registered with CDFA
 - Since AB1990's passage, backyard crops if grown using GAPs
 - Some counties have Approved Source programs for Community Gardens & Kitchen Gardens
- Some CFOs are repackaging products from Approved Sources and marketing under their brands



Cottage Food Labels

Must Include:

- “Made in a Home Kitchen” in 12-point type.
- Name commonly used to describe the product
- Name, city, county, state and zip code of CFO
- If CFO is not listed in a current phone directory then street address must also be declared



Cottage Food Labels

Must Include:

- Registration or permit number of CFO
- Ingredients in descending order of predominance by weight, if product contains two or more ingredients
- Net quantity (count, weight, or volume) of the food product, stated in both English (pound) units and metric units (grams)



Cottage Food Labels

Must Include:

- Declaration if food contains any of the eight major food allergens: milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, & soybeans
- Two approved methods:
 - separate summary statement immediately following or adjacent to the ingredient list, or
 - within the ingredient list



Sample Label

MADE IN A HOME KITCHEN

Registration number: 12345 County of Marin

Chocolate Chip Cookie

Joe's Cookies

123 Pastry Lane

Cookieville, CA 94101

Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), Soy lecithin (as an emulsifier), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda

Contains wheat, eggs, milk, soy, nuts

Net Wt. 3 oz (89 g)



Comply with local regulations

- Business license from local government
- Planning and zoning:
 - Need approval from local city or county planning department
 - If selling at Certified Farmers Market or community event, may need a Temporary Food Facility permit
 - May have requirements regarding parking spaces, hours of operation, etc.

Zoning	\$0-\$429
Registration/Permit	\$0-\$325

Food Handlers Class/Card
\$10 - \$20



If Cottage Foods Law is too restrictive for you, consider:

- Operating or using a Commercial Kitchen
 - Inspected by local Environmental Health agency
 - Could be a school cafeteria, Grange kitchen, or restaurant
 - Can only sell products direct to consumers
- Operating a Registered Food Facility
 - Inspected annually by CA Dept of Public Health
 - Can sell indirect
 - A separate registration is required for each place of **manufacture, packing, or holding**
- Using a Co-packer



May need to attend Better Process Control School

- For operating supervisors of commercial food canning operations
- Particularly for operating supervisors involved in production of thermally processed low acid and acidified foods (**including pickles and chutneys**)
- 4-day program
- Online course now available





For more information:

<http://ucanr.edu/sites/cottagefoods/>

<http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.asp>

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