

# Cottage Food Laws

Oklahoma

Farm-to-Table Interim Study

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Photo: Commonwealth Urban Farms  
Farmers Market Booth at Paseo Farmers Market

# Presentation Overview

- Cottage Foods Definition
- Cottage Food Laws in Oklahoma
- Cottage Food Laws in Other States
- Cottage Food Law Trends
- Recommended Amendments to Oklahoma Cottage Food Laws

# “Cottage” Foods

**Cottage food laws** are state laws that regulate the sale of small-batch foods made outside of commercial kitchens. They allow small-scale producers to use appliances in their homes to bake, cook, can, pickle, dry or candy certain low-risk foods for sale. By contrast, state laws require all other food producers to process foods in commercial kitchens.

- \*Exist in 49 States + Washington DC

- \*Share 6 Elements in Common

# 6 Common Elements of State Cottage Food Laws

1. Types of products sold
2. Where products may be sold
3. Required registration, licensing, permitting, or inspection requirements
4. Sales Limitations
  1. Labeling requirements
  2. Tiered systems for different types of foods, producers, or sales

# Product Type

**FIGURE 1. TYPES OF COTTAGE FOOD PRODUCTS ALLOWED<sup>1</sup>**

<p><b>Allowed Foods Not Limited to a List</b></p>	<p>E.g., “non-potentially hazardous foods” or “non-potentially hazardous foods, including, but not limited to . . .” or “non-potentially hazardous foods, excluding . . .”</p>	<p>Alabama (home processed products), Alaska, Colorado, Connecticut (cottage food),<sup>2</sup> Delaware (cottage food), Florida, Georgia, Hawaii, Idaho, Illinois (cottage food), Indiana, Iowa (cottage food), Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, North Dakota, Oregon (domestic kitchen), Pennsylvania, Rhode Island,<sup>3</sup> Tennessee, Utah, Vermont (home caterer, exempt food processor), West Virginia, Wyoming</p>
<p><b>Allowed Foods Limited to a List</b></p>	<p>E.g., “foods are limited to the following [categories or items]: . . .”</p>	<p>Alabama (cottage food), Arizona, Arkansas, California, Connecticut (residential farmers),<sup>3</sup> Delaware (on-farm home processing),<sup>3</sup> District of Columbia, Illinois (home kitchen), Iowa (home bakery), Kansas, Kentucky,<sup>3</sup> Louisiana, Maryland, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Oregon (cottage food, farm direct<sup>3</sup>), South Carolina, South Dakota, Texas, Vermont (home bakery), Virginia, Washington, Wisconsin</p>
<p><b>Does Not Allow Cottage Foods</b></p>		<p>New Jersey</p>



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# Product Venues

**FIGURE 2. WHERE COTTAGE FOOD PRODUCTS CAN BE SOLD<sup>1</sup>**

<p><b>Allows Both Indirect and Direct Sales (including restaurants, retail, wholesale, etc.)</b></p>	<p>Arizona, California (Class B), Iowa (home bakery), Louisiana (excluding baked goods), Maine, New Hampshire (licensed), New York, North Carolina, Ohio, Oregon (domestic kitchen), Pennsylvania, Vermont (home caterer, exempt food processor)</p>
<p><b>Allows for All Direct-to-Consumer Sales</b></p>	<p>Alabama (cottage food), Alaska, Colorado, Georgia, Hawaii, Idaho, Illinois (home kitchen), Kansas, Kentucky, Louisiana (baked goods), Massachusetts, Michigan, Mississippi, Missouri, Montana, New Mexico, North Dakota,<sup>2</sup> Oregon (cottage food, farm direct), Tennessee, Utah, Vermont (home bakery), Washington, Wyoming (food freedom)<sup>2</sup></p>
<p><b>Allows for Direct-to-Consumer Sales Only at Limited Venues</b></p>	<p>Alabama (home processed products), Arkansas, California (Class A), Connecticut, Delaware, District of Columbia, Florida, Illinois (cottage food), Indiana, Iowa (cottage food), Maryland, Minnesota, Nebraska, Nevada, New Hampshire (exempt), Oklahoma, Rhode Island, South Carolina, South Dakota, Texas, Virginia, West Virginia, Wisconsin, Wyoming (cottage food)</p>



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# Certification Requirements

**FIGURE 3. REQUIRED REGISTRATION, LICENSES, AND/OR PERMITS<sup>1</sup>**

<p><b>Requires Both (1) Food Safety or Food Handler Course for Operator And (2) Registration, Permit, or License for Premises</b></p>	<p>California, Connecticut (cottage food),<sup>2</sup> Delaware, District of Columbia, Georgia, Illinois (cottage food), Kentucky (home-based microprocessors), Minnesota, New Mexico, Utah</p>
<p><b>Requires Food Safety or Food Handler Course for Operator</b></p>	<p>Alabama (cottage food), Colorado, Connecticut (residential farmer), Hawaii, Oregon (cottage food), Texas</p>
<p><b>Requires Registration, Permit, or License for Premises</b></p>	<p>Arizona, Iowa (home bakery), Kentucky (home-based processors), Maine, Massachusetts, Montana, Nevada, New Hampshire (licensed), New York, North Carolina, Ohio (home bakery), Oregon (domestic kitchen), Pennsylvania, Rhode Island, Vermont (home bakery),<sup>3</sup> home caterer), Washington, West Virginia (canned acidified foods only)</p>
<p><b>No Registration, Permit, License, or Food Safety Course Required</b></p>	<p>Alabama (home processed products), Alaska, Arkansas, Florida, Idaho, Illinois (home kitchen), Indiana, Iowa (cottage food), Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Hampshire (exempt), North Dakota, Ohio (cottage food), Oklahoma, Oregon (farm direct), South Carolina, South Dakota, Tennessee, Vermont (exempt food processor), Virginia, West Virginia (excluding canned acidified foods), Wisconsin, Wyoming</p>



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# Sales Limits

**FIGURE 4. LIMITS ON SALES<sup>1</sup>**

  
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<b>\$10,000 or less</b>	Colorado (each product or flavor), South Dakota (baked goods sold out of producer's home only), Vermont (exempt food processors), Virginia (acidified products and pickles only), Wisconsin (pickles)
<b>\$10,001-\$30,000</b>	Alabama (cottage food), Alaska, Connecticut (cottage food), <sup>2</sup> Delaware (cottage food), District of Columbia, Illinois (home kitchen), Louisiana, Maryland, Michigan, Minnesota, Mississippi, New Hampshire (exempt), Oklahoma, Oregon (cottage food, farm direct), South Carolina, Washington
<b>\$30,001-\$50,000</b>	California, Delaware (on-farm home processing), Florida, Iowa (home bakery), Kentucky (home-based microprocessors), Missouri, Nevada, Texas
<b>No Sales Limit</b>	Alabama (home processed products), Arizona, Arkansas, Connecticut (residential farmers), Georgia, Hawaii, Idaho, Illinois (cottage food), Indiana, Iowa (cottage food), Kansas, Kentucky (home-based processors), Maine, Massachusetts, Montana, Nebraska, New Hampshire (licensed), New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon (domestic kitchen), Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont (home bakery; home caterer), Virginia, West Virginia, Wisconsin (baked goods; by court decision), <sup>3</sup> Wyoming

# Labeling Requirements

**FIGURE 5. REQUIRED LABELING<sup>1</sup>**



<b>Typical Labeling Requirements</b>	Arizona, Arkansas, California, Colorado, Connecticut (cottage food), <sup>2</sup> Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa (home bakery), Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming (cottage food)
<b>Limited Labeling Requirements - Contact Information and/or Disclaimer Only</b>	Alabama, Alaska, Connecticut (residential farmers), Idaho, Iowa (cottage food), Louisiana, Nebraska, North Dakota, Oklahoma, Virginia
<b>No Labeling Requirements</b>	Wyoming (food freedom)

# Oklahoma Labeling Requirements

- Affixed Labels
  - OK requires a basic label affixed, when possible, to the product containing the following information.
  - If a label is not easily affixed to the packaging of the bakery item, a free-standing label may be placed by the product or placed on the receipt.

## Sample Label

### Chocolate Chip Cookies

"Made in a home food establishment that is not licensed by the State Department of Health"

Forrager Cookie Company

123 Chewy Way, Cookietown, OK 73531

# Tiered-Systems

**FIGURE 6. STATES WITH TIERED COTTAGE FOOD SYSTEMS**

<b>State</b>	<b>Tiers</b>
<b>Alabama</b>	<i>Cottage Food:</i> limited items; all direct to consumer sales <i>Home Processed Products:</i> broader items; certified farmers market sales only
<b>California</b>	<i>Class A Cottage Food:</i> direct to consumer sales only <i>Class B Cottage Food:</i> indirect sales in certain counties
<b>Connecticut</b>	<i>Cottage Food:</i> anyone producing low-risk items <sup>1</sup> <i>Residential Farms:</i> farmers producing jams and acidified canned food on-farm
<b>Delaware</b>	<i>Cottage Food:</i> anyone producing low-risk items <i>On-Farm Home Processing:</i> farmers producing listed items on-farm
<b>Illinois</b>	<i>Cottage Food:</i> variety of allowable foods <i>Home Kitchen:</i> baked goods only
<b>Iowa</b>	<i>Cottage Food:</i> low-risk food items <i>Home Bakery:</i> bakery items including higher-risk items
<b>Kentucky</b>	<i>Home-Based Processors:</i> farmers producing low-risk products <i>Home-Based Microprocessors:</i> farmers producing higher-risk products

# Tiered-Systems (cont'd)

<p><b>New Hampshire</b></p>	<p><i>Exempt Homestead Food Operation:</i> sales cap; limited sales venues  <i>Licensed Homestead Food Operation:</i> no sales cap; indirect and internet sales allowed</p>
<p><b>Ohio</b></p>	<p><i>Cottage Food:</i> listed low-risk foods  <i>Home Bakery:</i> baked items including higher-risk items</p>
<p><b>Oregon</b></p>	<p><i>Cottage Food:</i> low risk baked goods and confectionary  <i>Domestic Kitchen:</i> broad range of allowed foods  <i>Farm Direct:</i> farmers processing acidified foods with ingredients from own production</p>
<p><b>Vermont</b></p>	<p><i>Home Bakery:</i> baked goods  <i>Home Caterer:</i> prepackaged and on-demand food items  <i>Exempt Food Processor:</i> jarred and packaged products</p>
<p><b>Wisconsin</b></p>	<p><i>Baked Goods:</i> baked goods allowed, according to court decision  <i>Pickles and Canned Goods:</i> canned goods allowed, according to state legislation</p>
<p><b>Wyoming</b></p>	<p><i>Food Freedom:</i> all foods except some meat, poultry, and fish; foods must be sold to an informed end consumer for home consumption only  <i>Cottage Food:</i> non-potentially hazardous foods; no limit on where food is consumed</p>

# 6 Policymaking

## Methods to Legalize Cottage Foods

1. Amending the definition of "food establishment"
2. Enacting stand alone cottage food legislation.
3. Creating administrative regulations on cottage food.
4. Providing guidance on state agency websites.
5. Enacting food freedom laws.
6. Taking cottage food restrictions to court.

# Recommended Amendments to Oklahoma Cottage Food Laws

1. Expand types of foods that can be sold (i.e. “non-potentially hazardous foods”)
2. Expand cottage food sales venues to include restaurants and retail establishments
3. Eliminate or increase sales thresholds

# References

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