



Cottage Food Law Frequently Asked Questions Environmental Health Services

1. When does the Cottage Food Law go into effect?

The new law becomes effective January 1, 2013

It is the intent of Santa Barbara County to implement the new law to as full an extent possible on January 1, 2013. Full implementation will be dependent on the State developing and offering a Cottage Food Operation (CFO) food processor course. The information provided in this question and answer summary is only part of the new law. AB 1616 can be viewed in its entirety at the following link:

Link to AB-1616:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1616&search_keywords

2. What is a Cottage Food Operation (CFO)?

A CFO is an enterprise at a private home where low-risk food products are prepared or packaged for sale to consumers.

3. What is meant by a “private home?”

“Private home” means a dwelling, including an apartment or other leased space where individuals reside.

4. Are there limitations on the size of CFO’s sales?

\$50,000 or less in gross sales in 2015 and beyond.

5. Can a CFO have employees?

A CFO can have one full-time equivalent employee (not counting family members or household members).

6. What cottage food categories are permitted at a CFO?

Only foods that are defined as “non-potentially hazardous” are approved for preparation by CFOs. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The following list is taken from the new law:

- 1) Buttercream frosting (no eggs/dairy)
- 2) Buttercream icing (no eggs/dairy)
- 3) Buttercream fondant (no eggs/dairy)
- 4) Baked goods (no cream, custard or meat fillings)
- 5) Candied apples
- 6) Candy such as brittle and toffee
- 7) Chocolate-covered nonperishable foods
- 8) Confections (e.g., salted caramel, fudge)
- 9) Cotton candy
- 10) Dried fruit
- 11) Dried hot chocolate (dried powdered mixes or molded hardened cocoa pieces)
- 12) Dried pasta
- 13) Dried or dehydrated vegetables
- 14) Dried vegetarian-based soup mixes
- 15) Dry baking mixes
- 16) Fruit pies, fruit empenadas, and fruit tamales
- 17) Granola, cereals, and trail mixes
- 18) Ground chocolate
- 19) Gum paste (no eggs/dairy)
- 20) Herb blends and dried mole paste

- 21) Honey and sweet sorghum
- 22) *Jams, jellies, preserves, or fruit butter

* **Please Note:** If you are planning to prepare jams, jellies, preserves, and/or fruit butter, please read [Federal Regulations, Title 21, Part 150](#) to ensure you comply with regulations stated therein.

- 23) Nut mixes and nut butters
- 24) Popcorn
- 25) Vegetable or potato chips
- 26) Vinegar and mustard
- 27) Roasted coffee and dried tea
- 28) Waffle cones and pizzelles

To request that additional foods be added to the approved food list, contact the Food and Drug Branch of CDPH at fdbinfor@cdph.ca.gov

From time to time products may be added to or removed from the list. The California Department of Public Health (CDPH) will establish and maintain a list of approved cottage food categories on the CDPH website and will establish a process by which new foods can be added to the list and other foods can be challenged and removed.

7. What are the two classifications of CFO?

- Class A CFOs are only allowed to engage in “**direct sale**” of cottage food.
- Class B CFOs may engage in both “**direct sale**” and “**indirect sale**” of cottage food.

8. What is meant by “Direct Sale” of cottage food?

“Direct Sale” means a transaction between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmer’ markets or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

9. What is meant by “Indirect Sale” of cottage food?

“Indirect Sale” means an interaction between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third-party retailer that holds a valid permit issued by the local environmental health agency in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

10. Do I need any special training or certification to prepare cottage foods?

A person who prepares or packages cottage food products must complete a food processor course instructed by the California Department of Public Health within three months of being registered or permitted.

You can access a list of available food-handler training courses at the following website:

<http://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=212&prgID=228&status+4>

11. Does a CFO need a permit to operate?

Planning/Zoning: All CFOs need to obtain approval from their local city or county planning department. The Homemade Food Act gives planning departments several options to consider, so planning department requirements may vary between jurisdictions. Check with your local building and planning departments before you begin operating a CFO.

Environmental Health:

- For “**Class A**” CFOs (direct sale only), **registration** with the local enforcement agency and submission of a completed “self-certification checklist” approved by the local environmental health agency.
- For “**Class B**” CFOs (direct and indirect), a **permit** from the local environmental health agency is required.

Other Requirements: CFO’s must check on other state or local requirements such as local business license or peddlers’ permit that may be applicable and notify the local environmental health agency of any changes in their operations.

Registrations and permits are not transferrable between:

- Persons

- Locations
- Type of food sold
- Type of distribution

12. How much will the registration or permit cost the CFO?

Santa Barbara County will establish fees that are not to exceed the cost of providing the service. Additional fees may be charged for inspection and/or enforcement activities if the cottage food operation is found to be in violation of this chapter.

13. Will my CFO Registration/Permit allow me to sell at other retail venues?

The direct sale of only properly packaged and labeled cottage food product will not prompt an additional health permit. There may be health permits required to sell at other locations, such as certified farmer's markets or swap meets. Please check with Santa Barbara County Environmental Health Services for additional permit requirements. The cottage food operation registration or permit (or a legible copy of the original) must be retained by the operator onsite at the time of either direct or indirect cottage food sales.

14. Will my home kitchen be subject to inspections by the Environmental Health Division?

If you are a registered “**Class A**” (direct sale only) CFO, then an inspection will only be conducted if a consumer complaint is received that adulterated or otherwise unsafe food had been produced by the CFO or that the CFO has violated the California Retail Food Code.

If you are a “**Class B**” (direct and indirect sale) CFO then an initial inspection, to determine that the CFO and its method of operation conforms to the requirements of the California Retail Food Code, must be conducted for the permit to be issued. After the initial inspection, a “Class B” cottage food operation “shall not be subject to more than one inspection per year by the local enforcement agency.”

15. What are the CFO's operational requirements?

- All CFOs need to submit a self-certification checklist to verify:
 - No domestic activities in the home during cottage food preparation, packaging or handling;

- No infants, small children, or pets in kitchen during cottage food preparation, packaging or handling;
 - Kitchen equipment and utensils kept clean and in good repair;
 - All food contact surfaces and utensils washed, rinsed, and sanitized before each use;
 - All food preparation, food storage and equipment areas free of rodents and insects;
 - No smoking in kitchen area during preparation or processing of cottage food.
- Person with contagious disease must refrain from work.
 - Hands and exposed portions of arms of food workers must be kept clean and washed before any food preparation or packaging
 - Water used in food preparation activities must be potable. Water used in food preparation includes:
 - Washing, rinsing, and sanitizing equipment and surfaces used in Cottage;
 - Food preparation;
 - Washing and sanitizing hands and arms;
 - Water used as an ingredient.
 - CFO operators are required to take a food processor course offered by the California Department of Public Health within 3 months of being registered or permitted.

16. What would be my labeling requirements?

All cottage food products must be properly labeled in compliance with the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). The label shall include:

- The words “***Made in a Home Kitchen***” or “***Repackaged in a Home Kitchen***” in 12-point type. Note: If labeled as “Repackaged in a Home Kitchen” then a description of any purchased whole ready-to-eat products not used as an ingredient must also be included on the label.
- The name commonly used for the food product.
- Name of the CFO which produced the food product.

- Physical address of Cottage Food Operation (street number, street name, city, state, zip code).
- The registration or permit number of the cottage food operation which produced the cottage food product and the name of the local enforcement agency that issued the number.
- Name of the county issuing the Cottage Food registration or permit.
- Product ingredients in descending order by weight.
- Regarding allergen labeling, refer to Federal Food, Drug and Cosmetic Act: Consumer Protection Act 2004 (enacted 2006) for FDA compliance, guidance and regulatory information.

Note: the use of the following eleven terms are considered nutrient content health claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. If the food panel makes any nutrient content health claims, then a Nutrition Facts Panel must be incorporated into the label.

In a permitted food facility, cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board, or other easily accessible location.

17. To verify my official ingredients list, do I need to send my cottage food list to an official laboratory?

No. You are not required to have your product analyzed by a laboratory to obtain an official ingredient list. You must, however, list all ingredients in descending order of predominance by weight. If you use a prepared item in your recipe, you must list sub-ingredients as well.

18. Can a CFO sell cottage food outside the county of residence?

Direct sales of either Class “A” or Class “B” CFOs are allowed across county lines within the state of California. (A CFO intending to direct sell in another county should check with the receiving country to determine whether there are any additional requirements in order to sell in a country other than the county in which the product is prepared.) A Class “B” CFO may engage in indirect sales across county lines, but must have the receiving county’s approval to do so.

19. Why are some products not allowed to be made and sold under the Cottage Food bill?

The Cottage Food bill allows food entrepreneurs to make and sell foods prepared in a home kitchen without the same level of inspection and regulation that typical food preparation businesses receive. For this reason, CFOs are restricted to producing and preparing only food products that are low risk, do not support rapid bacterial growth and do not require refrigeration. Even so, it is critical that anyone who operates a CFO is very careful to maintain the kitchen, equipment and storage areas in a clean and sanitary manner and to observe high levels of personal hygiene while preparing and packaging CFO foods. No one wants his or her customers to get sick.

20. Can I make cottage food products in an outbuilding on my property, for example, a shed or a barn?

No. The law requires the cottage food products be made in your kitchen and stored in your single family domestic residence.

21. Where can I store ingredients and finished products for my cottage food business?

Ingredients and finished cottage food products may be stored on site where the cottage foods are made. This includes your kitchen or attached rooms within the home that are used exclusively for storage. All rooms used for food storage must be free of insects and rodents, free of dirt, dampness/water, and free of other environmental sources of contamination.

22. Will I need any other types of permits or licenses for my CFO?

You may. Check with the city or county (if you are outside city limits) where your private home is located to determine if a business license or other permit is required.

23. Can I press apples and sell apple cider?

No. There are no beverages included in the list of food products allowed to be produced in CFOs so pressing apples to make and sell apple cider is not allowed under your CFO registration or permit.