

# Cottage Foods and Home Cooking

Fifty-State Survey of Laws





## The Harvard Law School Food Law and Policy Clinic

works to increase access to healthy foods, support sustainable and equitable food production, reduce food waste, and promote community-led food system change through advocacy, guidance, and information-sharing. We have produced previous reports detailing [broader legislative trends in cottage food and home kitchen laws](#) and provided testimony on regulatory innovation in the home kitchen space.

States have the primary authority to create laws that affect the public health and safety of their residents and to control commerce within state lines. Local, state, and tribal governments use the U.S. Food and Drug Administration’s model Food Code (“FDA Food Code”) as a model to ensure their food safety laws are up-to-date with the best food safety science. The FDA Food Code is not binding unless a state or local government chooses

to adopt it by passing a statute or by incorporating it into regulations. The FDA Food Code, and therefore most state food codes, designates all locations where food is produced for sale or sold as “food establishments.” Entities designated as “food establishments” must generally meet the regulatory requirements in the Food Code, and home kitchens generally cannot be licensed as food establishments. However, the FDA Food Code provides a limited exception for foods that are not “time/temperature control for safety foods” (“Non-TCS foods”) when sold at religious or charitable organizations’ bake sales. As of 2021, all 50 states have expanded upon this exemption in their state laws in various ways to allow for the limited sale of certain foods produced at home.

Over the last decade, consumer demand for locally-produced food products has grown and states have increased efforts to support in-state producers. Many states have expanded both their cottage food and home kitchen laws. This table, updating our detailed [2018 report](#), is intended to serve as a guide for home cooks, policymakers, and advocates, to provide an at-a-glance guide to cottage food and home kitchen laws throughout the country. While this table does not provide legal advice on starting a cottage food business or home kitchen, it provides a useful starting point for understanding generally what is allowed in each state, the similarities and differences between state cottage food laws, and how states are supporting cottage food producers and home cooks.



# Guide to Understanding the Table

For each state, the table lists the following: the foods that may be produced at home; any permitting, licensing, or registration requirements; whether an initial inspection is required; whether a food safety course is required; any sales cap on foods produced at home; restrictions on sales venue or delivery; whether labels are required; whether these laws should be understood as cottage food laws, food freedom laws, home kitchens laws, or home bakery laws; and where the statute or regulation may be found.

## Foods Allowed

Many states categorize the foods that may be sold according to whether they require time/temperature controls for safety (“TCS”) based on whether they require refrigeration or consistent heating to a set temperature. A “Non-TCS” designation means that these states allow only foods that do not require these controls, whereas a TCS designation signifies that at least some TCS foods may be sold. Some states limit the foods that may be sold to an exclusive list either found in the statute allowing these sales or maintained by an agency, while others provide illustrative lists of the types of foods that may be sold. In states denoted as having an illustrative list, foods not listed but that nonetheless fulfill the criteria may be sold. Finally, some states limit the acidified, fermented, or pickled products that may be sold—this column notes those limitations, as well.

## Permitting/ Licensing/ Registration

This column outlines the regulatory requirements for selling foods produced at home. Often, states will have different regulatory requirements for selling different types of foods—Utah, for example, allows some Non-TCS foods to be sold without any kind of permit, license, or registration, but requires a permit for the sale of fully-prepared meals. This table separates different tiers of permitting into different rows.

## Initial Inspection

This column notes whether or not state regulators must inspect home kitchens before they begin selling products. All states allow for the investigation of complaints related to foodborne illness; this column, however, notes only whether or not an initial inspection must occur.



# Guide to Understanding the Table Continued

## Food Safety Course

This column notes whether or not a food safety course is required to begin operating.

## Sales Cap

This column lists sales or revenue caps, if any, on products produced in cottage food operations or home kitchens.

## Sales Venue or Delivery Restrictions

Most states only allow “direct” sales of foods produced at home, but this has been interpreted differently in different states. The table notes where sales must be direct to consumers, and whether online sales are addressed. The table also notes whether and how the law addresses third-party delivery of foods produced at home.

## Regulatory Category

This column helps provide a comparison between regulatory categories that may be described as cottage foods, food freedom, home kitchen, or home bakery laws. In general, a cottage food law allows for the sale of more limited products, often limited to only Non-TCS foods, and possibly subject to permitting, licensing, or registration requirements, while a food freedom law allows for the sale of almost any product and exempts home cooks from regulation altogether. Home kitchen laws often allow for the sale of fully-prepared meals, and home bakery laws apply only to the sale of baked goods. Though there are differences amongst the laws in each category, these categories help distinguish the general types of regulatory structures across states. This column also includes what the state itself calls the regulatory regime in parentheses.

## Code or Regulation Location

This column identifies the primary legal authority for the sale of cottage foods or foods produced at home. Some states may do this by statute, while others may do this through agency regulation.



State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
Alabama	Non-TCS; illustrative list; some acidified, fermented, or pickled products may be allowed (subject to laboratory testing)	None required	No	Yes	No	Direct sales only; online sales allowed; delivery in person, through an agent, or by mail	Yes	Cottage Food	Ala. Code § 22-20-5.1
Alaska	Non-TCS; illustrative list; acidified, fermented, or pickled products may be allowed (subject to laboratory testing)	None required	No	No	\$25,000	Direct sales only; online sales and delivery not addressed	Yes	Cottage Food	Alaska Admin. Code tit. 18, § 31.012
Arizona	Non-TCS; illustrative list; no pickled, acidified, or fermented foods	Registration	No	Yes	None	Direct sales only; online sales and delivery not addressed	Yes	Cottage Food	Ark. Code Ann. § 20-57-501 - 20-57-507
Arkansas	Non-TCS; no list; acidified, fermented, or pickled products may be allowed (subject to laboratory testing or producer pH testing)	None required	No	No	None	Direct sales only; online farmer's markets allowed; sellers may include agents and third-party vendors	Yes	Cottage Foods ("Food Freedom")	Ark. Code Ann. § 20-57-501
California (Class A)	Non-TCS only; exhaustive list maintained by agency; some high-acid products allowed, but no fermented or pickled products	Registration [i]	No	Yes	\$75,000	Direct sales only; online sales allowed; delivery by third-party allowed	Yes	Cottage Food	Cal. Health & S. Code § 113728-113941
California (Class B)	Non-TCS only; exhaustive list maintained by agency; some high-acid products allowed, but no fermented or pickled foods	Permit [ii]	Yes	Yes	\$150,000	Direct and indirect sales; online sales allowed; delivery by third-party allowed	Yes	Cottage Food	Cal. Health & S. Code § 113728-113941

State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
California (Home Kitchens)	All foods except those requiring HACCP; no list	Permit [iii]	Yes	Yes	\$50,000	Direct sales only; online sales allowed; delivery by third-party allowed only for customers with disabilities	Yes	Home Kitchen	Cal. Health & S. Code § 114364 - 114265.6
Colorado	Non-TCS; illustrative list; fermented foods but no fermented or acidified products	None required	No	Yes	\$10,000 per food product	Direct sales only; online sales allowed; no third-party delivery except by designated representatives	Yes	Cottage Food	Co. Stat. § 25-4-1614
Connecticut (Residential Farm)	jams, jellies, preserves, or acidified or pickled food products (subject to laboratory testing)	None required	No	Yes	None	On-farm direct sales only; no online sales; no third-party delivery	No	Cottage Food	Conn. Gen. Stat. § 21a-24a
Connecticut (Cottage Foods)	Non-TCS; illustrative list; no pickled, acidified, or fermented foods	License	No, but inspectors may choose to	Yes	\$25,000	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	Conn. Gen. Stat. § 21a-62a
Delaware (On-Farm Home Processing)	Non-TCS; exhaustive list (statutory); jellies and jams with a pH below 4.6 allowed (not subject to laboratory testing)	Permit	Yes	Yes	\$50,000	On-farm direct sales only; online sales not addressed; no third-party delivery	Yes	Cottage Foods	3-100-101 Del. Admin. Code §§ 1.0-16.0
Delaware (Cottage Foods)	Non-TCS; exhaustive list maintained by agency; no acidified, fermented, or pickled foods	Registration	Yes	Yes	\$25,000	Direct sales only; no online sales; no third-party delivery	Yes	Cottage Foods	16-4400-4458A Del. Admin. Code §§ 1.0-9.5



State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
District of Columbia	Non-TCS; exhaustive list maintained by agency; no acidified, fermented, or pickled foods	Registration	Yes	Yes	\$25,000	Direct sales at farmers markets and public events only; no online sales; no third-party delivery	Yes	Cottage Foods	D.C. Mun. Regs. tit. 25-K, §§ 100-109; 9900-9901
Florida	Non-TCS; exhaustive list maintained by agency; no acidified, fermented, or pickled foods	None required	No	No	\$250,000	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	Fla Stat. §§ 500.03, 500.80
Georgia	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	Registration; License	Yes	Yes	None	Direct sales only; online sales allowed; third-party delivery not addressed	Yes	Cottage Foods	Ga. Comp. R. & Regs. §§ 40- 7-19.02, et seq.
Hawaii	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	None required	No	Yes	None	Direct sales only; no online sales; third-party delivery not addressed	Yes	Cottage Foods (“Homemade Food”)	Haw. Code R. § 11-50-3; <a href="https://health.hawaii.gov/san/files/2019/09/HMF-HANDOUT.pdf">https://health.hawaii.gov/san/files/2019/09/HMF-HANDOUT.pdf</a>
Idaho	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	None required	No	No	None	Direct sales only; online sales allowed; third-party delivery not addressed	Yes	Cottage Foods	Idaho Admin. Code r. 16.02.19.110
Illinois (Food Freedom)	Non-TCS; illustrative list; some acidified, fermented, or pickled products may be allowed (subject to laboratory testing)	Registration [iv]	No	Yes	No	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	410 Ill. Comp. Stat. 625/4

State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
Illinois (Home Kitchens)	baked goods only, and in the case of pies, only high- acid fruit pies	None required [v]	No	No	\$12,000	Direct sales only; online sales and delivery not addressed	Yes	Home Bakeries (“Home Kitchens”)	410 Ill. Comp. Stat. 625/3.6
Indiana	Non-TCS foods; illustrative list including some poultry, egg, and rabbit products; pickled foods not allowed, but some acidified and fermented foods allowed	None required	No	Yes	None	Sales only at farmers’ markets, farms, or roadside stands; no online sales; no third-party delivery	Yes	Cottage Foods (“Home Based Vendor”)	Ind. Code § 16-42-5-29
Iowa (Cottage Foods)	Non-TCS; no list; no acidified, fermented, or pickled foods	None required	No	No	None	Sales from the home or farmers’ markets only; online sales not addressed; no third-party delivery	Yes	Cottage Foods	Iowa Code § 137F.1(8)(f)
Iowa (Home Bakery)	Non-TCS and TCS baked goods	License	Yes	No	Gross an- nual sales \$35,000	Direct sales from the home, at farmers’ markets, and wholesalers; online sales and third-party delivery not addressed	Yes	Home Kitchens	Iowa Code 137D.1(3)
Kansas	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	None required	No	No	None	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	Kansas State University Agricultural Experiment Station and Cooperative Extension Service, <a href="https://bookstore.ksre.ksu.edu/pubs/MF3138.pdf">https:// bookstore.ksre.ksu.edu/ pubs/MF3138.pdf</a>
Kentucky (Home- Based Micro processor)	No list; some acidified, fermented, and pickled foods allowed (approved recipes)	Registration/ Certification (Pilot Program)	No	Yes	\$60,000	Direct sales only; online sales allowed; third-party delivery not addressed	Yes	Cottage Food (“Home-Based Micro processing”)	Ky. Rev. Stat. Ann. §§ 217.015, 217.136
Kentucky (Home- Based Processor)	Non-TCS; exhaustive list maintained by agency; no acidified, fermented, or pickled foods	Registration	Yes	Yes	\$60,000	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Food (“Home-Based Processing”)	Ky. Rev. Stat. Ann. §§ 217.015, 217.137 - 39



State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
Louisiana	Non-TCS; statutory exhaustive list; includes acidified and pickled foods but not fermented foods	Registration (as a general business)	No	No	\$20,000	Direct and indirect sales except for baked goods, which cannot be sold to retail or wholesale; online sales allowed; third-party delivery not addressed	Yes	Cottage Foods	La. Stat. Ann. § 40:4.9
Maine	Non-TCS; no list; some acidified, pickled, or fermented foods (subject to laboratory testing)	License [vi]	Yes	No	None	Direct and indirect; online sales allowed; third-party delivery allowed	Yes	Cottage Foods [vii] (“Home Food Manufacturing”)	01-001-330 Me. Code R. § 1-2; 01-001-345 Me. Code R. § 1-8
Maryland	Non-TCS; illustrative list; no acidified, pickled, or fermented foods	None required	No	Only if selling to retail	\$25,000	Direct sales and retail sales (with completion of food safety course); online sales not addressed; no third-party delivery	Yes	Cottage Foods	Md. Code Ann., Health-Gen. § 21-330.1; Code of Md. Regs. 10.15.03
Massachusetts	Non-TCS; list may vary	Yes [viii]	Yes	No*	No	Direct sales only; online sales allowed; third-party delivery not addressed	Yes	Cottage Foods	Mass. Code Regs. 590.001, 590.010(F)
Michigan	Non-TCS, illustrative list; no acidified, fermented, or pickled foods	None required	No	No	\$25,000	Direct sales only; online orders allowed (but not sales transactions); no third-party delivery	Yes	Cottage Foods	Mich. Comp. Laws §§ 289.1105, 289.4102
Minnesota	Non-TCS, no list; high-acid foods allowed	Registration	No	Yes	\$78,000	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	Minn. Stat. §§ 25.391; 28A.152
Mississippi	Non-TCS, illustrative list; some high-acid foods allowed	None required	No	No	\$35,000	Direct sales only; no online sales; no third-party delivery	Yes	Cottage Foods	Miss. Code Ann. §75-29-951

State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
Missouri	Non-TCS, illustrative list; some high-acid foods allowed	None required	No	No	\$50,000	Direct sales only; no online sales; no third-party delivery	Yes	Cottage Foods	Minn. Stat. §§ 25.391; 28A.152
Montana	All foods allowed except those containing most meat products	No	No	No	None	Direct sales only; online sales allowed; third-party delivery not addressed	Yes	Food Freedom	Mont. Code Ann. §§ 50- 49-203; 50-50-102
Nebraska	Non-TCS; illustrative list; some high-acid foods allowed	Registration, unless selling at a farmers' market	No	Yes	None	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	Neb. Rev. Stat. § 81- 2,245.01(6),(7)
Nevada	Non-TCS, statutory exclusive list	Registration	No	No	\$35,000	Direct to consumer sales (internet/mail expressly disallowed)	Yes	Cottage Foods	Nev. Rev. Stat. § 446.866
New Hampshire (Exempt)	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	None required [ix]	No	No	\$20,000	Direct sales from home, farmers' markets; no online sales; third- party delivery not addressed	Yes	Cottage Foods ("Exempt Home- stead Foods")	N.H. Rev. Stat. Ann. § 143-A:12
New Hampshire (Non- Exempt)	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	License [x]	Yes	No	No	Direct and indirect sales including retail and restaurants; online sales allowed; third-party delivery not addressed	Yes	Cottage Foods ("Non-Exempt Homestead Foods")	N.H. Rev. Stat. Ann. § 143-A:5
New Jersey	Non-TCS; exhaustive list maintained by agency; no acidified, fermented, or pickled foods	Permit	No	Yes	\$50,000	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	N.J. Admin. Code §§ 8:24- 1.5; 8:24-11.1 et seq.

State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
New Mexico	Non-TCS; no list	No	No	Yes	None	Direct sales only; online sales allowed; mail delivery allowed third-party delivery otherwise not addressed	Yes	Cottage Foods ("Homemade Food")	N.M. Stat. Ann. § 25-12-1 et seq.
New York	Non-TCS; exhaustive list maintained by agency; no acidified, fermented, or pickled foods	Registration	No	No	None	Direct and indirect sales; online sales allowed; third-party delivery allowed	Yes	Cottage Foods ("Home Processing")	N.Y. Comp. Codes R. & Regs. tit. 1, §§ 276.3, 276.4
North Carolina	Non-TCS; illustrative list; some acidified, fermented, or pickled products may be allowed (subject to laboratory testing)	Yes	Yes	No	None	Direct and indirect sales; online sales allowed; third-party delivery through U.S. postal services allowed	Yes	Cottage Foods ("Home-Based Food Business")	Food Program: Starting a home-based food business, N.C. Dep't of Agric. & Consumer Servs. Food & Drug Prot. Div., <a href="http://www.ncagr.gov/fooddrug/food/homebiz.htm">http://www.ncagr.gov/fooddrug/food/homebiz.htm</a>
North Dakota	All foods allowed except those containing meat products	No	No	No	None	Direct sales only; in-state online sales not addressed; third-party delivery not addressed	Yes	Food Freedom	N.D. Cent. Code § 23-09.5
Ohio (Cottage Foods)	Non-TCS; exhaustive list maintained by agency; no acidified, fermented, or pickled foods	No	No	No	None	Direct and indirect sales; online sales and delivery not addressed	Yes	Cottage Foods	Ohio Rev. Code Ann. §§ 3715.01, 3715.023, 3715.025
Ohio (Home Bakeries)	Non-TCS and some TCS baked goods; illustrative list	License	Yes	No	None	Direct and indirect sales; online sales and delivery not addressed; may be sold outside Ohio	Yes	Home Bakeries	Ohio Rev. Code Ann. § 911.02
Ohio (Home Kitchens)	All foods	No	No	No	115 meals	Direct sales and consumption within the home only	Yes	Home Kitchens	Ohio Rev. Code §3717.42(B)(13)
Oklahoma (Non-TCS)	All foods allowed except those containing meat products	No [xi]	No	No	\$75,000	Direct and indirect sales; online sales allowed; third-party delivery allowed	Yes	Food Freedom	2 Okl. Stat. Ann. § 5-4.1 et seq.

State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
Oklahoma (TCS)	All foods allowed except those containing meat products	No [xii]	No	Yes	\$75,000	Direct sales only; online sales not addressed; no third-party delivery	Yes	Food Freedom	2 Okl. Stat. Ann. § 5-4.1 et seq.
Oregon (Domestic Kitchen License)	Non-TCS; list of disallowed foods maintained by agency; no acidified, pickled, or fermented foods	Yes	No	Yes	\$20,000	Direct sales only; no online sales; third-party delivery not addressed	Yes	Cottage Foods (“Domestic Kitchen”)	Or. Rev. Stat. § 616.723
Oregon (Home Baking)	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	No	No	Yes	\$20,000	Direct sales only (cash transactions); no online sales; no third-party delivery	Yes	Cottage Foods (“Home Baking”)	Or. Rev. Stat. § 616.723
Pennsylvania	Non-TCS; illustrative list; some fermented products allowed but no acidified or pickled foods	Registration	Yes	No	No	Direct and indirect sales; online sales allowed; third-party delivery not addressed	No	Cottage Food (“Limited Food Establishment”)	Pennsylvania Dep’t of Agriculture, Limited Food Establishments, <a href="https://www.agriculture.pa.gov/consumer_protection/FoodSafety/manufacturing-packing-holding-distribution/Pages/Limited-Food-Establishment-.aspx">https://www.agriculture.pa.gov/consumer_protection/FoodSafety/manufacturing-packing-holding-distribution/Pages/Limited-Food-Establishment-.aspx</a>
Rhode Island (Farmers Only)	Non-TCS; statutory exhaustive list; no acidified, fermented, or pickled foods	Registration	No	No	None	Direct and indirect sales, only at farmers’ markets, farmstands, and other markets and stores operated by farmers for the purpose	Yes	Cottage Foods (“Farm Home Food Manufacture”)	21 R.I. Gen. Laws § 21-27-6.1
South Carolina	Non-TCS candy and baked goods; illustrative list; no acidified, fermented, or pickled foods	No	No	No	None	Direct sales only; online sales and delivery not addressed	Yes	Home Bakeries (“Home-Based Food Production”)	S.C. Code Ann. § 44-1-143
South Dakota	Non-TCS baked goods and high-acid canned goods; illustrative list; no fermented or pickled foods	No	No	No	No	Direct sales only; online sales allowed; no third-party delivery	Yes	Home Bakeries (“Baked and Canned Food Exemption”)	S.D. Codified Laws §§ 34-18-34 - 34-18-34



State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
Tennessee	Non-TCS; illustrative list; no pickled, acidified, or fermented foods	No	No	No	No	Direct sales only; online sales and delivery not addressed	Yes	General Exemption	Tenn. Code Ann. § 53-1- 204(c).
Texas	Non-TCS, statutory exclusive list; some high- acid acidified, fermented, and pickled foods (from approved recipes or subject to laboratory testing)	No	No	Yes	\$50,000	Direct sales only; online sales allowed; no third-party delivery	Yes	Cottage Foods	Tex. Health & Safety Code Ann. §§ 437.001, 437.0191- 96; 25 Tex. Admin. Code § 229.661
Utah	Foods must be approved by Department	Registration	Yes		No	No restrictions	Yes	Cottage Foods	Utah Code Ann. § 4-5-501; Utah Admin. Code R70- 560
Utah (Food Freedom) [xiii]	All foods allowed except raw dairy and most meat products	No	Yes	No	No	Direct sales only; online sales allowed; no third-party delivery	Yes	Food Freedom	Utah Code Ann. § 4-5a-101 et seq.
Utah (Micro enterprise Home Kitchen)	All ready-to-eat foods allowed except alcoholic beverages, raw dairy or foods that require an HACCP plan, mollusks	Permit [xiv]	Yes	No*	No	Direct sales only; online sales allowed; no third-party delivery	No	Microenterprise Home Kitchen	Utah Code Ann. § 26-15c- 101 et seq.
Vermont (Home Baking)	Non-TCS baked goods; illustrative list	License only for operations producing more than \$6,500 in sales	No	No	\$6,500	Direct sales only; online sales not addressed; no third-party delivery	Yes	Home Bakeries	18 Vt. Stat. Ann. Tit. 18, §§ 4301, 4358
Vermont (Home Food Processor)	Non-TCS; illustrative list; no acidified, fermented, or pickled foods	Self-declaration of license exemption	No	No	\$10,000	Direct sales only; online sales and third-party delivery not addressed	Yes	Cottage Foods ("Home Food Processor Exemption)	18 Vt. Stat. Ann. § 4353

State	Foods Allowed	Permitting/ Licensing/ Registration	Initial Inspection	Food Safety Course	Sales Cap	Sales Venue or Delivery Restrictions	Labels Required	Regulatory Structure Type	Code or Regulation Location
Vermont (Home Catering)	Non-TCS and TCS not containing meat products (requires consultation with the Agency of Agriculture, Food & Markets); no list	License	Yes	No	None	Direct sales only; online sales and third-party delivery not addressed	No	Microenterprise Home Kitchen ("Home Caterer")	13-140-018 Vt. Code R. §1 (2021)
Virginia	Non-TCS, exclusive statutory list; some high-acid pickled foods	No	No	No	\$3,000 for pickled foods; otherwise no cap	Direct sales only; no online sales; no third-party delivery	Yes	Private Home Exemption	Va. Code Ann. § 3.2-5130
Washington	Non-TCS, illustrative list; some acidified and pickled foods, no fermented foods	Permit	Yes	No	\$25,000	Direct sales only; online marketing allowed (but not sales transactions); no third-party delivery	Yes	Cottage Foods	Wash. Rev. Code §§ 69.22.010, et seq.; Wash. Admin. Code §§ 16-149-060, et seq.
West Virginia	Non-TCS; no list; some acidified, pickled, or fermented foods (these require permits)	Only for certain acidified or fermented foods	No	Only for certain acidified or fermented foods	No	Direct sales (includes retail); online sales allowed; third-party delivery allowed	Yes (label or placard)	Food Freedom ("Homemade Food Item Exemption")	W. Va. Code §§ 19-35-2 et seq.
Wisconsin	Pickles or other processed vegetables or fruits under TCS 4.6	No	No	No	\$5,000	Direct sales only; online sales allowed; delivery not addressed	Yes	Pickle Bill	Wis. Stat. § 97.29
Wisconsin	Only Non-TCS baked goods; no list	No	No	No	No	Intrastate to end consumer only	Maybe [xv]	Home Bakeries ("Non-TCS Baked Goods Exemption")	Lisa Kivirist et al v. Wisconsin Department of Agriculture, Case No. 16-CV-06 (Sept. 29, 2017)
Wyoming	All foods allowed except most meat products	No	No	No	\$250,000	Direct and indirect sales except TCS foods, which must be sold by the producer; online sales allowed; third-party delivery allowed for Non-TCS foods but not TCS foods	Recommended but not required [xvi]	Food Freedom	Wyo. Stat. Ann. § 11-49-101 et seq.

## ENDNOTES

- [i] Class A Cottage Food operations in California require a permit from local authorities; the law requires local authorities to establish permitting processes. Cal. Health & S. Code § 114367 - 114367.6.
- [ii] Class B Cottage Food operations in California require a permit from local authorities; the law requires local authorities to establish permitting processes. Cal. Health & S. Code § 114367 - 114367.6.
- [iii] Microenterprise Cottage Food operations in California require a permit from local authorities; the law allows local authorities to opt into the law by establishing permitting processes, but does not require local authorities to do so. Cal. Health & S. Code § 114367 - 114367.6.
- [iv] Cottage Food operations in Illinois require registration with the local board of health; the law requires local authorities to establish registration processes or self-certification processes certifying that the operation meets legal requirements. 410 Ill. Comp. Stat. 625/4.
- [v] Home kitchens are exempted from permitting or licensing only in municipalities, townships, or counties that have adopted this act. 410 Ill. Comp. Stat. 625/3.6.
- [vi] Because of Maine's Food Sovereignty law, municipalities may regulate the production and sale of food within their jurisdictions. Me. Rev. Stat. tit. 7 §281. Some municipalities, then, may have enacted additional requirements for the sale of Cottage Foods or allow the sale of different foods. This chart reflects the state Cottage Food law, which applies outside of municipalities with their own regulations.
- [vii] Though some municipalities in Maine may be more permissive than what is otherwise termed "Cottage Food"-type structure in this table, the term "Cottage Foods" was chosen because of the state-level regulations and the relatively low number of municipalities that have enacted their own laws under the Food Sovereignty law. Me. Rev. Stat. tit. 7 §281.
- [viii] Cottage Food operations in Massachusetts require a permit from local authorities; the law allows local authorities to opt into the law by establishing permitting processes, but does not require local authorities to do so. 105 Mass. Code Regs. 590.001, 590.010(F).
- [ix] Fifteen "self-inspecting" cities and towns in New Hampshire have established their own regulations for Cottage Food operations; exempt Cottage Food producers may require a permit from local authorities in these areas. N.H. Rev. Stat. Ann. § 143-A:12.
- [x] Fifteen "self-inspecting" cities and towns in New Hampshire have established their own regulations for Cottage Food operations; non-exempt producers may require a permit from local authorities in these areas. N.H. Rev. Stat. Ann. § 143-A:12.
- [xi] Oklahoma allows local authorities to regulate the sale of foods produced in home kitchens, but preempts local authorities from restricting food production more strictly than state law. 2 Okl. Stat. Ann. § 5-4.1. Food production from home in some areas may require registration or permits from local authorities. Id.
- [xii] Oklahoma allows local authorities to regulate the sale of foods produced in home kitchens, but preempts local authorities from restricting food production more strictly than state law. 2 Okl. Stat. Ann. § 5-4.1. Food production from home in some areas may require registration or permits from local authorities. Id.
- [xiii] Utah has concurrent Cottage Food regulations and a food freedom law. Some events allow only those registered with the Utah Department of Agriculture and Food to sell products. Vendors operating under food freedom are required to be separated from permitted vendors with a sign posted noting that they are not regulated. Utah Admin. Code R70-560.
- [xiv] Microenterprise home kitchens in Utah are permitted by local authorities; the law requires that local authorities establish these processes. Utah Code Ann. § 26-15c-101 et seq.
- [xv] There is no legislative or regulatory text related to labeling of Non-TCS baked goods produced in home kitchens, and the judicial record is unclear on the subject; we recommend the use of labeling like that specified in the Pickle Bill.
- [xvi] The producer must inform the end consumer that the product was not regulated or inspected; verbal information appears sufficient. Wyo. Stat. Ann. § 11-49-101 et seq.
- \* Local permitting authorities may require food safety courses.



**FOOD LAW**  
*and* **POLICY CLINIC**  
**HARVARD LAW SCHOOL**

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