Cottage Food Laws

Prepared by the Policy Surveillance Program Staff

SUMMARY

This map identifies variation in laws across all 50 states and the District of Columbia that govern cottage food and food freedom laws.

ABOUT STATE COTTAGE FOOD LAWS & THE DATA

Laws regulating the production and sale of “cottage foods” permit individuals to produce certain non-potentially hazardous foods, such as jams and baked goods, in their home kitchen, rather than a licensed commercial kitchen, and to sell them in certain venues like farm stands or retail stores. This allows small-scale businesses and entrepreneurs to produce and sell their food items at venues such as local farmer’s markets and roadside stands without prohibitive regulatory barriers, while still balancing the concern for food safety.

Cottage foods are largely considered “non-potentially hazardous” because they do not present the same food safety risks as other processed foods, like meat and poultry products that may be more likely to cause foodborne illness. Similar state laws, called “food freedom laws,” expand upon cottage food laws to include potentially hazardous products like meat and poultry.

This map presents statutes and regulations that address state cottage food laws and food freedom laws in effect as of September 1, 2017. The map identifies who is allowed to sell cottage foods, what types of cottage food sales are allowed, the requirements to establish a cottage food operation, whether cottage food operations are subject to state inspection, whether cottage food operators must disclose that the food product was made in a home-kitchen, and sales limits on cottage food operations.

Currently, 49 jurisdictions in the United States have cottage food laws in various forms.

NAVIGATING THE DATA

There are two ways to navigate the data by clicking the Filter tab or the Explore tab — for each option, the data can be visualized in a map and table format or in jurisdiction profiles.

Filter

The dataset homepage will default to the Filter tab. Here, users may answer a series of questions to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions.
Explore

Users can access Explore by clicking the Explore tab in the bar above the questions. Using Explore, users will see the answers to one question across all jurisdictions.

The primary questions addressed are:

1. Does the state allow the sale of cottage foods?
2. In what year was the sale of cottage foods authorized?
3. Who is allowed to sell cottage foods?
4. What types of cottage food sales are allowed?
5. What are the requirements to establish a cottage food operation?
6. Are cottage food operations subject to state inspection?
7. Are cottage food operations required to disclose that the product was made in a home kitchen?
8. Is there a sales limit on cottage food operations?

DISPLAYING THE RESULTS

There are two display modes once criteria have been selected by using either the Filter or Explore tab — Map display mode and Profiles display mode.

Map Display

LawAtlas.org dataset homepages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

- Using the Filter tab, you can select an unlimited number of criteria and the applicable jurisdictions that meet the combined criteria will be displayed in the table below.
- Using the Explore tab, you can isolate a single criterion and the applicable jurisdictions will appear in the table below.

Profiles Display

The Profiles display presents the results of the criteria selected in a text-based format for each applicable jurisdiction. Using the Filter tab, jurisdictions that meet the criteria selected will display. Using the Explore tab, jurisdictions that meet the criterion selected will display. If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

Profile Legend

Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

| $$$ | Toggle Legal Text – Selecting this option will show all the legal text used to answer questions for this jurisdiction. |
**Toggle Full Place Profile** – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs.

**Toggle Size** – Selecting this option will make the profile larger, but will not change the information displayed.

**Legal Text History** – This interactive timeline displays when changes in the law have occurred within a jurisdiction. Using the arrows to the left or right, users may explore how the law has changed over time as new amendments to the law have been enacted. The timeline will change from gray to a shade of yellow when the jurisdiction passed its first relevant law. Each change in the law after that is marked by a break in the timeline.

**Map and Profile Legend**
There are a few symbols to be aware of in both Map and Profiles display modes:

- **Section Symbol** – Clicking this symbol will open a window that displays excerpts from the law that correspond to the question and answer.
- **Caution Note** – Clicking on this symbol will open a small window that displays text that describes important caveats about the question and answer.

**DATASET RESOURCES**
Each dataset homepage includes the following resources available for download:

- **Data**: The Data file exports in CSV format and may contain two tabs. The “Statistical Data” tab contains the legal variables coded in the dataset, displayed as values defined in the accompanying Codebook. The “Summary Data” tab contains the legal variables coded in the dataset in text form, as well as the accompanying citations and any caution notes that may be included. Note: if there is only one tab available for download it will be the “Statistical Data” as described above.

- **Codebook**: The Codebook defines all of the coded variables in the dataset. The Codebook lists the question, question type, variable name, variable value and variable label. The Codebook should be used in conjunction with the Statistical Data extract.

- **Research Protocol**: The Research Protocol is a comprehensive document that outlines the entire methodology of the project, including the scope, inclusion and exclusion criteria, data collection methods, definitions, coding scheme decisions, as well as the quality control process.
• Summary Report: The Summary Report provides a snapshot of important findings from the dataset.

ADDITIONAL INFORMATION
Emily M. Broad Leib, Assistant Clinical Professor of Law at Harvard Law School, served as a subject matter expert for this project.

This collection of laws does not provide legal advice nor does it address enforcement of laws, administrative policies, case law, or any other sources of law. Should you have a specific question about these laws in your state, please contact an attorney in your jurisdiction.