

## MARYLAND COTTAGE FOOD LAW FACTSHEET

### Senate Bill 550: Health – Cottage Food Businesses – Requirements

Introduced: February 2012

Signed: May 2012

Updated Statutes: Health-General §21-301, §21-330.1

Updated Regulations: COMAR 10.15.03.02, 10.15.03.27

#### **COTTAGE FOOD BUSINESS REQUIREMENTS**

- Cottage food is not exempt from Federal or State taxes (including, but not limited to, sales tax)
- Must produce or package cottage food products in a residential kitchen
- Must have annual revenues not exceeding \$25,000
- May only sell cottage food products that were stored on the premises of the cottage food business; may be sold at bake sales (in conjunction with a non-profit fundraiser), farmer's markets, or public events
- May only sell cottage food that is properly labeled (see labeling requirements)
- The owner must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food (home-use/occupation permits through the county)
- Must allow the Department access to facility to investigate complaints of violations of the cottage food laws and regulations; the owner may not refuse to grant access or interfere with any inspection; investigation of a cottage food business may include sampling of products to determine misbranding or adulteration; the Department may enforce any regulations adopted under the cottage food statutes; any foods produced in violation may be deemed an unapproved source
- It is recommended that a cottage food business submit a list of the items to be prepared and sample labels to the Health Department for review to ensure compliance with these requirements
- **Approved Foods** (according to COMAR 10.15.03.02 and 10.15.03.27):
  - o Non-potentially hazardous hot-filled canned acid fruit jellies, jams, preserves, and butters that are unadulterated, packaged to maintain food safety/integrity, and labeled in accordance with COMAR 10.15.03.12
  - o Fruit butters made only from apples, apricots, grapes, peaches, plums, quince, or another fruit or fruit mixture that will produce an acid canned food
  - o Jam, preserve, or jelly made only from a fruit listed from the fruit butter list, oranges, nectarines, tangerines, blackberries, raspberries, blueberries, boysenberries, cherries, cranberries, strawberries, red currants, or another fruit or fruit mixtures that will produce an acid canned food
  - o Non-potentially hazardous baked goods
  - o Non-potentially hazardous hard candy
  - o Food with a water activity of 0.85 or less
  - o Food with a pH level 4.6 or below (when measured at 75°F)
  - o Food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, such as a food that has a water activity or pH that is above the levels specified above or that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms
- **Unapproved Foods:**
  - o **Any** natural or synthetic food that requires temperature control because the food is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of *Clostridium botulinum*, or, in raw shell eggs, the growth of *Salmonella enteritidis*.
  - o A food of animal origin that is raw or heat-treated
  - o A food of plant origin that is heat-treated
  - o Raw seed sprouts
  - o Cut melons
  - o Cut raw tomatoes
  - o Garlic and oil mixtures that support the rapid and progressive growth of infectious or toxigenic microorganisms or the growth and toxin production of *Clostridium botulinum*
  - o Cut leafy greens
  - o Chocolates, caramel, fudge, and other soft candy

## MARYLAND COTTAGE FOOD LAW FACTSHEET

### LABELING REQUIREMENTS

The following information must be included on all foods sold by a cottage food business:

- The common name of the food or a descriptive identity statement;
- A declaration of artificial color or flavor and chemical preservatives;
- An accurate declaration of the quantity of the package contents by net weight or volume in both metric and English units
- All ingredients of the cottage food product must be listed in descending order by the amount of each ingredient (by weight)
- Must include allergen information as specified by federal labeling requirements (<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Allergens/ucm106187.htm#UWbVmTQVePA.email>); allergens include Milk, egg, fish (e.g., bass, flounder, or cod), Crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, soybeans, and food ingredients that contain protein derived from a food specified (except any highly refined oil or oil ingredients from the foods specified)
- If a nutritional claim is made, nutritional information must be included, as specified by federal labeling requirements (specified in 21 CFR Part 101 and 9 CFR Part 317)
- Must have the name and full street address of the cottage food business
- Must have the following statement in 10 point or larger font and a color that provides clear contrast with the background of the label: **"Made by a cottage food business that is not subject to Maryland's food safety regulations."**

#### Example Label

### **My Special Apple Pie**

**Ingredients:** apples, pie crust (enriched flour, wheat, niacin, reduced iron, thiamin mononitrate, riboflavin, folic acid), high fructose corn syrup, sugar, eggs, milk, butter, salt, citric acid

**Allergens:** wheat, milk, and eggs

**Net Weight:** 1417g (50oz)

**Produced By:**  
My Cottage Food Business  
150 Main Street  
Prince Frederick, MD 20678

Made by a cottage food business that is not subject to Maryland's food safety regulations