



## CALIFORNIA HOMEMADE FOOD ACT FREQUENTLY ASKED QUESTIONS COTTAGE FOOD OPERATIONS

### 1. When did the law go into effect?

The law became effective January 1, 2013. The law requires the California Department of Public Health to carry out certain tasks associated with implementation and imposes certain responsibilities on local planning and environmental health jurisdictions. The California Conference of Directors of Environmental Health (CCDEH) is working with other stakeholders to ensure that the law is implemented in an orderly and effective manner.

### 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. (See #9 for a list of approved low-risk foods.)

### 3. What is meant by “private home?”

“Private home” means a dwelling, including an apartment or other leased space, where the cottage food operator resides.

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

- Class A \$75,000 or less in gross sales annually
- Class B \$150,000 or less in gross sales annually

### 5. Can a CFO have employees?

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

### 6. What are the two classifications of CFOs?

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

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

“Direct sale” means a transaction within the state between a CFO operator and a consumer, in which 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 farmers’ markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the CFO, and transactions made via the phone, internet, or any other digital method. A direct sale may be fulfilled in person, via mail delivery, or using any other third-party delivery service.

Note: Providing food at a temporary community event will also require a Temporary Food Facility Permit to Operate. See link below.

[https://www.co.shasta.ca.us/docs/libraries/resource-management-docs/food-forms/TempFoodApp.pdf?sfvrsn=57f43de\\_8](https://www.co.shasta.ca.us/docs/libraries/resource-management-docs/food-forms/TempFoodApp.pdf?sfvrsn=57f43de_8)

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

“Indirect sale” means an interaction within the State of California between a CFO, a third-party retailer, and a consumer, in which, 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. An indirect sale may be fulfilled in person, via mail delivery, or using any other third-party delivery service. Additionally, CFO’s can only sell cottage foods outside of their permitted county when the local environmental health agency allows it.

**9. What cottage food categories are permitted at a CFO?**

Only foods that are defined as “non-potentially hazardous” are approved for preparation by CFO’s. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their website and will establish a process by which new foods can be added to the list and other foods can be challenged and removed. The current list includes:

A. BAKED GOODS WITHOUT CREAM, CUSTARD, OR MEAT FILLINGS. Examples:

Bagels \* Baklava \* Biscuits \* Bread \* Brownies \* Buns \* Cake \* Churros \* Coconut Macaroons \* Cookies \* Crackers \* Cupcakes \* Donuts (fried or baked) \* Empanadas (fruit only) \* Flatbreads \* Fruit, Nut, or Seed Bars \* Macarons (with approved buttercream) \* Muffins \* Pastries \* Pies (fruit only) \* Pizzelles \* Quick Breads \* Samosas (fruit only) \* Tamales (fruit only) \* Tarts \* Tortilla \* Torte \* Waffles (fried or baked) \* Waffle Cones

B. CANDY AND CONFECTIONS. Examples:

Brittles \* Candied Apples \* Candied Popcorn (balls, caramel, chocolate) \* Caramels \* Cotton Candy \* Chocolate-Covered Non-Perishables (including: marshmallows, nuts, candy, dried fruit, potato chips, or any combination) \* Edible Dessert Sprinkles (including: sanding and crystalized sugars, non-pareils, confetti, sequins, dragees, sugar-shapes, sugar-strands (jimmies), comfits, mini-chocolates, and pralines) \* Freeze-Dried Candies \* Fudge \* Ground Chocolate \* Hard Candy \* Marshmallow Bars \* Marshmallows (without eggs) \* Popcorn Balls \* Salted Caramels \* Spiced Sugar \* Toffee

C. EXTRACTS CONTAINING AT LEAST 70 PROOF OR 35% FOOD-GRADE FOR HUMAN CONSUMPTION ETHANOL/ALCOHOL.

Only those listed or combinations of those listed are allowed. Apple \* Apricot \* Blackberry \* Blueberry \* Cherry \* Chocolate \* Clove \* Cinnamon \* Cranberry \* Grapefruit \* Lemon \* Lime \* Orange \* Peach \* Pear \* Pineapple \* Pomegranate \* Raspberry \* Strawberry \* and Vanilla

D. DRIED, DEHYDRATED, AND FREEZE-DRIED FOODS. Examples:

Baking Mixes \* Bean Soup Mixes \* Cereals \* Coffee (roasted or freeze-dried) \* Fruit \* Fruit Powders \* Fruit Roll-Ups \* Grain Mixes \* Granola \* Ground Chocolate \* Herbs and Herb Butters \* Hot Chocolate Mix \* Mole Paste \* Pasta \* Popcorn \* Potato Chips \* Seasoning Salt \* Spice Mix or Rubs \* Tea \* Trail Mixes \* Vegetables \* Vegetable Chips \* Vegetable Soup Mixes

E. FROSTINGS, ICINGS, FONDANTS, AND GUM PASTES THAT DO NOT CONTAIN EGGS†, CREAM, OR CREAM CHEESE. Examples:

Buttercream (traditional, vegan and chocolate) \* Fondant (regular and chocolate) \* Flat Icing \* Gum

Paste (pasteurized eggs only) \* Edible Images \* Sugar Glazes \* Vegan Gum Paste † Frostings and Icings made with meringue powder, powdered eggs, or pasteurized eggs are allowed

- F. HONEY AND SORGHUM SYRUPS. (Only pure, no additional ingredients are allowed)
- G. FRUIT BUTTERS, JAMS, JELLIES THAT COMPLY WITH PART 150 OF TITLE 21 OF THE CODE OF FEDERAL REGULATIONS. (Only those fruits listed in the CFR are allowed. Additional fruits or vegetables will not be approved.)

The purpose of the regulation is to maintain the integrity of the food and ensure consumers know what product they are receiving. The regulation establishes labeling requirements and limits the ingredients that may be used when producing these foods. CFO's cannot use any ingredient not listed in 21 CFR Part 150, including low-acid ingredients such as peppers to create pepper jelly. Use of a low-acid ingredient may cause the formation of the botulism toxin in the product if proper controls are not used.

- H. NUTS, NUT MIXES, AND NUT BUTTERS.
- I. POWDERED DRINK MIXES MADE FROM MANUFACTURED INGREDIENTS. (Drink mixes cannot be labeled with "protein" because the amount cannot be determined)
- J. VINEGARS AND MUSTARDS. Examples:

Mustards (plain without eggs) \* Vinegars \* Fruit-Infused Vinegars (only high-acid fruits such as: apple, blackberry, blueberry, cherry, crabapple, cranberry, grape, gooseberry, grapefruit, huckleberry, kumquat, lemon, lime, loganberry, nectarine, orange, peach, plum, pineapple, pomegranate, quince, raspberry, strawberry, tomatillo, youngberry)

**10. The food I would like to make is not on the current list. How can I request a food category be added to the list?**

Only non-potentially hazardous food categories (foods that do not require refrigeration for safety) that are approved by the California Department of Public Health can be added to the list. If you would like to request a food be added to the list, you can submit a Request to Add a Food Product to the Cottage Food Approved Food List. Submission of an application does not guarantee approval. See link below for the application:

[https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/FDB/FoodSafetyProgram/CottageFood/fdb\\_CFOapplication.pdf](https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/FDB/FoodSafetyProgram/CottageFood/fdb_CFOapplication.pdf)

**11. What are the requirements if the water source for my home is a private well, spring, or surface water?**

Water used for cottage food operations must be from an approved source. The California Health and Safety Code, Section 113869, requires water from a private well, spring, or surface water to comply with the standards for transient noncommunity water systems in the California Safe Drinking Water Act. If your water source falls into this category, you must provide the sample results listed on the Cottage Food Operation Water Source Sampling Schedule. Sample collection must be performed by a certified lab or a California Water Boards State Water Resources Control Board Certified Operator, minimum D-1. Testing fees start at around \$456.00 for the initial samples. Fees will rise depending on the location and proximity to other contamination sources. For actual pricing, please contact a laboratory with the testing schedule on the following form.

[cottage-food-operation-water.pdf \(shasta.ca.us\)](#)

## 12. What are limitations on Internet sales and delivery of cottage food products?

A CFO may advertise as well accept orders and payments via Internet or phone. A CFO that advertises to the public, including through an internet website, social media platform, newspaper, newsletter, or other public announcement, shall indicate the following on the advertisement:

1. The county of approval
2. The permit or registration number
3. A statement that the food prepared is “Made in a Home Kitchen” or “Repackaged in a Home Kitchen,” as applicable.

A sale may be fulfilled in person, via mail delivery, or using any third-party delivery service. A cottage food operator may not introduce a CFO product into interstate commerce.

## 13. What are limitations on advertising of CFO products?

It is unlawful for any person to disseminate any false advertising of any food. An advertisement is false if it is false or misleading in any way. A cottage food product that is found to be falsely advertised is subject to enforcement action.

## 14. Do I need any special Training or Certification to prepare Cottage foods?

Any person who prepares or packages cottage food shall complete a food processor course within three months of becoming registered or permitted.

Cottage Food Operators, their employee, and any household member that is involved in the preparation or packaging of cottage foods may take one of the American National Standards Institute (ANSI) accredited food handler courses that are currently required for retail food facility food handlers. The courses are available on-line or via a classroom in a variety of languages for a minimal cost. After successfully completing the course, you will receive a food handler card or certificate, which you need to retain as proof that you completed the required training. You must present a copy of this card or certificate for each person involved in preparing cottage foods to your local enforcement agency upon their request, to verify that the training requirement has been completed. The training course shall be completed every three years for the CFO to continue to operate.

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

<https://www.ansi.org/Accreditation/credentialing/certificate-issuers/AllDirectoryListing?prgID=262&statusID=4>

## 15. Does a CFO need a permit to operate?

### Environmental Health

For “**Class A**” CFO’s (direct sale only), a **registration** with the local environmental health agency is required.

For “**Class B**” CFO’s (direct and indirect), a **permit** from the local environmental health agency is required.

Registrations and permits are not transferable between:

- Persons
- Locations
- Type of food sold
- Type of distribution

### Planning/Zoning

All CFO’s 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 and may include limitations beyond those described in the California Homemade Food Act.

- City of Redding Planning (530) 225-4020
- City of Anderson Planning (530) 378-6636
- City of Shasta Lake Planning (530) 275-7431
- Shasta County Planning Division (530) 225-5532

### **Fictitious Business Name**

If a “fictitious name” will be used in connection with the business the name must be registered with the County Clerk’s Office.

- Shasta County Clerk (530) 225-5730

### **Taxes for retail sales**

- State Board of Equalization (530) 224-4729

### **Employees**

- Internal Revenue Service (800) 829-1040
- State Employment Development Department (888) 745-3886
- State Compensation Insurance Fund (530) 223-7000 or your insurance broker for Workers Compensation Insurance

### **Business license**

- City of Anderson (530) 378-6626
- City of Redding (530) 225-4056
- City of Shasta Lake (530) 225-7431
- Shasta County (Not Required)

### **16. How much will the registration or permit cost the CFO?**

Class A Operations – Contact Shasta County Environmental Health Division (SCEHD) for current cost.

Class B Operations – Contact SCEHD for current cost.

Additional fees may be charged for inspection, label review, and/or enforcement activities if the CFO is found to be in violation of applicable regulatory requirements. Also, other agencies may require permit fees to operate.

### **17. Will there be an additional charge to have new recipes/labels approved once my permit/registration has been issued?**

Yes, there is a charge at our current hourly rate, per hour (rounded to nearest quarter hour), for review and approval of new recipes/labels. Contact SCEHD for current cost.

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

There may be agricultural certifications and event permits required to sell at other locations, such as Certified Farmer’s Markets or public events. You will need a temporary or mobile permit to sell products at other public event locations as well as fairs or farmers markets.

### **19. How often will a CFO be inspected?**

- **Class A** CFO kitchens and food storage areas, referenced in the law as the “registered or permitted area,” are not subject to initial or routine inspections.
- **Class B** CFO kitchens and food storage areas are inspected initially during the permit application review, and then annually thereafter.
- **Class A and B (Other Inspections)** SCEHD or Code Enforcement staff may access, for inspection purposes, the registered or permitted area where a CFO is located only if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the CFO or that the CFO is found to be in violation of applicable regulations.

## 20. What are the CFO’s operational requirements

- All CFOs must comply with the following:
  - No domestic activity in kitchen during cottage food preparation
  - No infants, small children, or pets in kitchen during cottage food preparation
  - Kitchen equipment and utensils shall be kept clean and in good repair
  - All food contact surfaces, equipment, and utensils shall be washed, rinsed, and sanitized before each use
  - All food preparation and storage areas shall be free of rodents and insects
  - No smoking in kitchen area during preparation or processing of cottage food
  - A person with a contagious illness shall refrain from working
  - Proper handwashing shall be completed prior to any food preparation or packaging
  - Water used in the preparation of cottage food products must be potable (drinking quality without contamination). Private well water will require testing. Please contact SCEHD for a list of the required testing and frequency of the tests. Cottage food preparation activities include:
    - Washing, rinsing, and sanitizing of any equipment used in food preparation.
    - Washing and sanitizing hands and arms.
    - Water used as an ingredient of cottage food.

## 21. What would be my food 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 must include:

- The words “Made in a Home Kitchen” in 12-point type.
- The name commonly used to describe the food product.
- The name, city, state, and zip code of the CFO which produced the cottage food product. If the CFO is not listed in a current telephone directory, then a street address must also be declared. (A contact phone number or email address is optional but may be helpful for consumers to contact your business.)
- The registration or permit number of the CFO which produced the cottage food product and, the name of the county where the permit was issued.
- The ingredients of the food product, in descending order of predominance by weight, if the product contains two or more ingredients.
- The net quantity (count, weight, or volume) of the food product, it must be stated in both English (pound) units and metric units (grams).
- If two labels are used, all information except ingredients and allergens must be on the primary label.
- A declaration on the label in plain language if the food contains any of the eight major food allergens such as milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, and soybeans. There are two approved methods prescribed by federal law for declaring the food sources of allergens in packaged foods: 1) in a separate summary statement immediately following or adjacent to the ingredient list, or 2) within the ingredient list.
- The use of the following eleven terms are considered nutrient content claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. Specific

requirements have been established for the use of these terms. Please refer to the [Cottage Food Labeling Guideline](#) for more details.

- If the label makes approved nutrient content claims or health claims, the label must contain a “Nutrition Facts” statement on the information panel. A health claim is a statement or message on the label that describes the relationship between a food component and a disease or health-related condition (e.g., sodium and hypertension, calcium, and osteoporosis). Please refer to the Cottage Food Labeling Guideline for more details.
- Labels must be legible and in English (accurately translated information in another language may also be included on the label). Labels, wrappers, inks, adhesives, paper, and packaging materials that come into contact with the cottage food product by touching the product or penetrating the packaging must be food-grade (safe for food contact) and not contaminate the food.

In a permitted retail food facility (such as a restaurant, market, or deli), cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board or in another easily accessible location that would reasonably inform the consumer that the food or an ingredient in the food has been made in a private home.

For more information on labeling:

[http://www.co.shasta.ca.us/docs/libraries/resource-management-docs/ehd-docs/CFO\\_label.pdf?sfvrsn=dae6e0f1\\_2](http://www.co.shasta.ca.us/docs/libraries/resource-management-docs/ehd-docs/CFO_label.pdf?sfvrsn=dae6e0f1_2)

## **22. What is my legal responsibility as a Cottage Food Operator in ensuring that my food product is safe?**

Cottage food operators and/or their employees shall not commit any act that may cause contamination or adulteration of food. This would include making foods that are not on the approved food list and or making foods under unsanitary conditions or with spoiled or rancid ingredients. A CFO that is not in compliance with the requirements of the California Retail Food Code (Calcode) would be subject to enforcement action taken by the local environmental health agency and/or the California Department of Public Health.

## **23. What is my liability as a cottage food business operating out of my home?**

You should check with your homeowner insurance company or your landlord if you are operating out of a rental property. Many homeowner insurance policies will not extend liability coverage to liabilities arising out of home-based businesses.

Note: The information in the FAQ is intended to provide a uniform statewide response to questions posed and will be updated as needed. The questions and answers were evaluated by the CCDEH Ad Hoc AB 1616 Implementation Workgroup and deemed to reflect an understanding of the law.

AB 1616 Chaptered Law:

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_1601-1650/ab\\_1616\\_bill\\_20120921\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1601-1650/ab_1616_bill_20120921_chaptered.pdf)

AB 1252 Chaptered Law:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1252](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1252)