



California Conference  
of Directors of  
Environmental Health

# CALIFORNIA HOMEMADE FOOD ACT

## FREQUENTLY ASKED QUESTIONS

### AB 1616 (GATTO) – COTTAGE FOOD OPERATIONS AND AB 1252 AMENDMENTS

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

The new law became effective on January 1, 2013. The law requires the California Department of Public Health (CDPH) to carry out certain tasks associated with its implementation, and imposes certain responsibilities on local planning and environmental health jurisdictions. The California Conference of Directors of Environmental Health (CCDEH) has been working with other stakeholders to ensure orderly and effective implementation of the law. Further information regarding implementation in your jurisdiction can be obtained from your local environmental health agency.

Note: The information in this FAQ handout 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. This information should not be construed as a legal interpretation.

**AB1616 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 Amendments to the Cottage Food Law:**

[http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab\\_1251-1300/ab\\_1252\\_bill\\_20131004\\_chaptered.html](http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1251-1300/ab_1252_bill_20131004_chaptered.html)

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

A CFO is an enterprise at a private home where the cottage food operator resides. The Cottage Food law allows for low-risk food products to be made or repacked at a private residence for sale to consumers.

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

“Private home” means a dwelling, including an apartment or other leased space, where individuals reside. The cottage food operation must be conducted from the primary residence. Second homes, vacation homes, motor homes do not qualify for a CFO.

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

- \$35,000 or less in gross sales in 2013
- \$45,000 or less in gross sales in 2014
- \$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 CDPH will establish and maintain a list of approved cottage food categories on their website and a process by which new foods can be added to the list and other foods can be challenged and removed. The current list of approved cottage foods includes:

- 1) Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- 2) Candy, such as brittle and toffee
- 3) Chocolate-covered nonperishable foods, such as nuts and dried fruit
- 4) Dried fruit
- 5) Dried pasta
- 6) Dry baking mixes
- 7) Fruit pies, fruit empanadas, and fruit tamales
- 8) Granola, cereals, and trail mixes
- 9) Herb blends and dried mole paste
- 10) Honey and sweet sorghum syrup
- 11) Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations (these should be fruit products to assure that they are not potentially hazardous).
- 12) Nut mixes and nut butters
- 13) Popcorn
- 14) Vinegar and mustard
- 15) Roasted coffee and dried tea
- 16) 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](mailto:fdbinfor@cdph.ca.gov).

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

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

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

“Direct Sale” means a transaction **within the state of California** 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 farmers’ 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 approved by CDPH and posted on its website within three months of being registered or permitted and every three years during operation.

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

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

## 11. What does a CFO need to obtain a permit or registration to operate?

**Planning/Zoning:** All CFOs must 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 some may require city business licenses.

**Environmental Health:**

- For “**Class A**” CFOs (direct sale only), must complete an annual **registration** with the local enforcement agency and submit a “self-certification checklist” approved by the local environmental health agency.
- For “**Class B**” CFOs (direct and indirect), must obtain an annual **permit** from the local environmental health agency.

**Other Requirements:** CFOs 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 transferable between:

- Persons
- Locations
- Type of food sales [i.e., direct sales (Class A) vs. indirect sales (class B)]
- Type of distribution

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

Each local jurisdiction 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 California food safety laws on cottage food operations. Additional fees may be charged for changes or additions to the cottage food menu requiring label evaluation.

## 13. Will my CFO Registration/Permit allow me to make direct sales at a venue other than my home?

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 your local enforcement agency 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. How often will a CFO be inspected?

- Class A: Require annual registration.** 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: Require annual permit.** CFO kitchens and food storage areas are inspected initially prior to permit issuance, and then annually after that.
- Class A or B (Other Inspections)** The local environmental health agency may access, for inspection purposes, the registered or permitted area where a cottage food operation 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 cottage food operation or that the cottage food operation is found to be in violation of California food safety laws on cottage food operations.

## 15. 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 kept clean and in good repair
  - All food contact surfaces and utensils washed, rinsed, and sanitized before each use
  - All food preparation and storage areas 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 hand-washing shall be completed prior to any food preparation or packaging
  - Water used in for cottage food preparation activities shall meet the potable drinking water standards described in Section 113869 of the California Health and Safety Code, or be in accordance with the local regulatory water authority. 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.

## 16. Can a CFO sell cottage food outside the operator’s county of residence?

CFOs can **only** sell cottage food outside their county of residence when the local environmental health agency of the outside county allows it.

## 17. 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.

## 18. What are the labeling requirements for cottage food?

- 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
  - The name commonly used for the food product
  - Name of CFO which produced the food product
  - 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
  - Product ingredients in descending order by weight
- 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.

For additional information, visit CDPH’s Cottage Food webpage at:

<http://www.cdph.ca.gov/programs/pages/fdbcottagefood.aspx>

**See sample label on the following page**

## Labeling Requirements for Cottage Food Products



All labels of products from Cottage Food Operations (CFO) submitted for review must contain the information listed below. Labels missing any of the listed information will not be approved and will need to be resubmitted for review.

- 1.** Common name of the product.
- 2.** Name of Cottage Food Operation which produced the food that is registered or permitted with the local environmental health agency.
- 3.** Physical address of Cottage Food Operation (street number, street name, city, state, zip code).
- 4.** List of product ingredients in descending order by weight. If commercially made products are used as an ingredient, the ingredients of that product must also be listed (e.g. – Chocolate chips [sugar, chocolate liquor, cocoa butter, butterfat]).  
**Note:** The list of ingredients may be on a secondary label affixed to a different location on the product. All other information must be included on the primary label that is affixed to the top or front of the product.
- 5.** A declaration on the label in plain language if the food contains any of the major food allergens allowed to be used as ingredients in Cottage Food Products such as milk, eggs, tree nuts, wheat, peanuts, or soybeans.
- 6.** The net quantity (count, weight, or volume) of the food product. It must be stated in both English (pound) units and Metric units (grams).
- 7.** “**Made in a Home Kitchen**” or “**Repackaged in a Home Kitchen**” as applicable. This exact wording must be used, and must be printed in at least 12 point font.  
**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.
- 8.** Registration or permit number issued by the Department of Environmental Health in the County where the Cottage Food Operator resides and operates.  
**Note:** This number will be provided when the Cottage Food Application is approved. For label submittal purposes, a placeholder may be used.
- 9.** Name of the county issuing the Cottage Food Registration or Permit  
**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 label makes any nutrient content health claims, then a Nutrition Facts Panel must be incorporated into the label.