

# Assembly Bill 1616

## The California Cottage Food Law

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# AB 1616

## The California Cottage Food Law

- Allows for individuals to produce and sell non-potentially hazardous food from their home.
- Effective on January 1, 2013
- Sales are done on a for-profit basis

# Cottage Food Operator

- ◉ An individual who operates a cottage food operation:
  - > in his or her private home , AND
  - > is the owner of the cottage food operation

# Cottage Food Operation

- ◉ Operated by a cottage food operator
- ◉ Doesn't have more than 1 full time employee (not including family or household members)
- ◉ All products are prepared and packaged for direct or indirect sale to consumers

**NOTE: COTTAGE FOOD OPERATIONS do not** fall under the definition of a Food Facility in CalCode

# Financial Limitations

- **2013:**  $\leq 35,000$  in gross annual sales
- **2014:**  $\leq \$45,000$  in gross annual sales
- **2015 and beyond:**  $\leq 50,000$  in gross annual sales
- ***We will not be the agency who monitors this provision of the bill***

# What foods are allowed at Cottage Food Operations?

**Only non-potentially hazardous foods and their ethnic variations**

- CDPH is tasked with:
  - > Maintaining the list of approved foods at their web site
  - > Establishing a process to amend existing list (add new foods, challenge or remove foods)
  - > Conduct food processor training
  - > Conduct training for local agencies

# Some examples of approved Non-PHF – as stated in AB1616

- Candy – Brittle or toffee
- Chocolate covered non-perishable foods – nuts and dried fruit
- Dried fruit
- Nuts
- Dried pasta
- Dried baking mixes
- Granola, cereals and trail mixes
- Herb blends and dried mole paste
- Fruit pies, fruit empanadas, fruit tamales
- Baked goods without cream, custard, or meat filling (breads, biscuits, churros, pastries and cookies)
- Hermetically sealed jams, jellies and preserves

# Selling to the Public

## Class A CFO

May only engage in direct sales of Cottage Food Products to the consumer

Includes but not limited to:

- Directly from the home, at bake sales, food swaps, holiday bazaars or farm stands
  - **Temp events or Certified Farmers' Markets**
    - TFF permit will be required in addition to CFO registration/permit
- Note: A CFO is considered an approved source as required for TFF operations

# Registration Requirements

## Class A CFO

❑ **Zoning**-must obtain approval from their planning jurisdiction

❑ **DEH**

- Complete registration with DEH-FHD
- Submit Self-Certification Checklist required
- Update registration when changes in foods prepared

### **INSPECTIONS:**

- Not subject to initial or routine inspections
- Inspections done on a complaint basis only

# Selling to the Public

## Class B CFO

**May engage in direct and indirect sales of Cottage Food Products**

- The consumer purchases the Cottage Food Product from a third-party retailer that holds a valid Health Permit.
  - Retail Markets – i.e. grocery stores, prepackaged markets
  - Retail Food Facilities – i.e. restaurants

# Permit Requirements

## Class B CFO

### > **Permit:**

- Issued upon registration and initial inspection
- New registration required if food type changes
- Fees and inspection report are in development

### > **Inspections:**

- > Initial and annual inspections required

# Cottage Food Labeling Requirements

- Packaging Requirements – not subject to Sherman Law
  - > “**Made in a Home Kitchen**” in 12-point font
  - > **Common Name of food** product or adequately descriptive name
  - > **Name of Cottage Food Operation** which produced the product (i.e. – Dina’s Chocolate Cakes/Business Name)
  - > **Registration/Permit Number of CFO** (Cottage Food Operation)
    - Note – Class B must also list the name of the County issuing the permit/registration number
  - > **Ingredients of the product in** descending order of predominance by weight if it contains two or more ingredients

# Cottage Food Labeling Requirements

- Non-packaged Cottage Food Items –  
Class B ONLY
  - > A Cottage Food Product that is served by a Food Facility without packaging or labeling shall be identified by “**Homemade**” on the menu, menu board or other location that would reasonably inform a consumer of the homemade status

# Restrictions at Cottage Food Operations

## ALL FOOD PREP MUST BE DONE:

- Inside CFO kitchen no ovens in the backyard!)
- Separately and not at the same time as other domestic activities such as:
  - > Family meal preparation, clothes washing, ironing, guest entertainment, kitchen cleaning)

## NOT ALLOWED:

- Animals or children in food prep area while preparing food
- Smoking in food prep, storage, handling or packaging areas.

# Cottage Food Operating Requirements

- ◉ **Wash, Rinse and Sanitize:** All food contact surfaces used for preparation, packaging or handling of CFPs
- ◉ **Protect from Contamination:** All food preparation and storage areas for food and equipment shall be free of rodents and insects
- ◉ **Use Proper Equipment:** Commercial equipment must fit in available kitchen sink for proper washing, rinsing and sanitizing in order to be used
  - > E.g.. – A large commercial mixer would not be approved for use

# Food Handler Training

## ◎ Required training:

- > A person who prepares or packages Cottage Food Products shall complete a food processor course within 3 months of becoming registered
- > Course length:  $\leq$  4 hours
- > Training conducted by CDPH
- > Logistics still being developed

# INSPECTIONS

## Only in registered area of CFO

- Class A – Only Complaint inspections
- Class B – Initial and Annual Inspection
- **Where:**
  - > Portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage or handling of CFP, related ingredients or equipment
  - > The attached rooms within the home that are used for storage

Questions?