



MARYLAND Department of Health

Guidelines for Cottage Food Businesses

This document provides guidance for allowable foods to be produced and sold from a Cottage Food Business located in Maryland. Code of Maryland Regulations (COMAR) 10.15.03 defines a cottage food as a business that a) produces or packages cottage food products in a residential kitchen; and b) has annual revenues from the sale of cottage food products in an amount not exceeding \$25,000. Additionally, it further defines a Cottage Food Product as a non-potentially hazardous food that is sold in the State directly to a consumer from a residence, at a farmer's market, at a public event, by personal delivery, or by mail delivery.

Examples of Allowable Foods that may be produced under COMAR 10.15.03.27 Farmer's Market, Bake Sales, and Cottage Food Business:

- Breads, cookies and pastries without potentially hazardous topping or fillings:
 - Pies, turnovers, and fruit tarts from fruits with a natural pH of 4.6 or less
 - Baked bread, biscuits, tortillas, and muffins
 - Cakes and cupcakes
- Hot-filled canned acid foods such as:
 - Fruit jelly, jam, and preserves from the fruits with a natural pH of 4.6 or less
 - Fruit butters from apple, apricot, grape, peach, plum, prune, quince
- Snacks such as popcorn/kettle corn, popcorn balls, nuts and cotton candy
- Cereals, trail mixes, and granola
- Repackaging of commercially processed dry ingredients (i.e. spice and seasoning blends, tea blends)
- Chocolate confections made from commercially manufactured chocolate (e.g., chocolate covered pretzels). **Chocolate covered fresh fruits are prohibited.**
- Candy such as lollipops, gummy bears, brittles, toffee
- Fruit leathers from fruits with a natural pH of 4.6 or less
- Raw unflavored honey (raw agricultural product)
- Whole roasted coffee beans

If the above foods are produced under the cottage foods regulation these products may only be sold within the State of Maryland directly to a consumer from a residence, at a farmer's market, at a public event, by personal delivery, or by mail delivery (interstate sales are prohibited) and the operator must:

Pre-package all products at the cottage food business and provide a label that contains the following information:

- The name and address of the cottage food business;

- The name of the cottage food product;
- The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;
- The net weight or net volume of the cottage food product;
- Allergen information as specified by federal labeling requirements;
- Nutritional information as specified by federal labeling requirements, if any nutritional information claim is made; and
- Printed in 10 point or larger type in a color that provides a clear contrast to the background of the label: “Made by a cottage food business that is not subject to Maryland’s food safety regulations.”

SAMPLE LABEL

<p>Chocolate Chip Cookies Delicious Desserts Any Street Any City, MD Any Zip</p> <p>Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), soy lecithin, walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda. Contains: Wheat, eggs, milk, soy, walnuts</p> <p>Net Wt. 3 oz.</p> <p>“Made by a cottage food business that is not subject to Maryland’s food safety regulations.”</p>

Sampling of Cottage Foods

Cottage foods may be sampled as long as your product meets the requirements of the Cottage Food guidance document and is a non-potentially hazardous food. Samples must be pre-packaged in the home kitchen (e.g., if bread is sampled, it can't be cut at the market, but it can be cut in the home kitchen and individually wrapped or packaged into sample cups with lids). An individual label for each sample is not needed, but the packaged products on display must be properly labeled so the customer can review the ingredient list and required information. The product cannot be cooked or prepared in a way that makes it a potentially hazardous food/temperature control for safety food (e.g., a dried dip mix added to sour cream or serving anything that can't be kept safely at room temperature - these examples would require a food license).

Examples of foods that cannot be offered as cottage foods:

- Fish or shellfish products;

- Fresh, dried, or dehydrated meat or meat products, including jerkies;
- Fresh, dried, or dehydrated poultry or poultry products;
- Baked goods that require any type of refrigeration (e.g., meringue pies, pecan pies, pumpkin pies, cheesecakes, cream and custard pies, and pies and cakes or pastries with cream cheese/butter cream icings or fillings);
- Focaccia-style breads with vegetables and/or cheeses;
- Raw-seed sprouts, including but not limited to alfalfa sprouts or bean sprouts;
- Raw cookie dough and pizza dough;
- Acidified foods/pickled products such as corn relish, pickles, or salsa, pepper jelly, sauerkraut;
- Milk and dairy products including hard, soft and cottage cheeses, and yogurt;
- Cut fresh fruits and/or vegetables;
- Food products made from cut fresh fruits or vegetables;
- Food products made with cooked vegetable products;
- Garlic and/or vegetable in oil mixtures;
- Sugar-free products, such as jams, jellies, syrups, marmalades and other preserves;
- Pumpkin and nut butters;
- Ice or ice products;
- Barbeque sauces, ketchups and/or mustards;
- Bottled water;
- Candy and chocolate covered fresh fruits;
- Fresh pasta; or
- Dehydrated herbs and vegetables

It is our intention that each approving authority will enforce and regulate these businesses consistently and uniformly as stated in the regulations. If you should have any questions, please contact the Office of Food Protection at (410) 767-8400.