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Environmental Health

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CALIFORNIA HOMEMADE FOOD ACT

FREQUENTLY ASKED QUESTIONS

GENERAL REQUIREMENTS

1. What is a Cottage Food Operation (CFO)?

A CFO is an enterprise at a private home where specific low-risk food products that do not require refrigeration are prepared for packaged sale to consumers.

2. What is meant by “Private Home?”

Private Home means a dwelling, including an apartment or other leased space, where individuals reside.

3. Can a CFO have employees?

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

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. What are the two categories of CFOs?

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

6. 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. **Note: In Butte County, vending food at a community event will require a Temporary Food Facility Vendor Permit and vending food from a vehicle will require a Mobile Food Facility Permit. Contact our office for additional information.**

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7. 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 health department 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.

8. Do I need special training and certification to prepare cottage foods?

A person who prepares or packages cottage food products is required to complete a food processor course instructed or authorized by the California Department of Public Health within three months of being registered or permitted. **Note: This requirement will not be enforced in Butte County until an approved certification course has been developed and made available by CDPH as required by law.**

9. Can a CFO sell cottage food outside the county of residence?

Sale outside of the county of residence requires approval by the local enforcement agency (usually health department) of the outside county. **Note: Butte County will accept cottage food from any CFOs registered or permitted by agencies outside of the county.**

OPERATIONAL REQUIREMENTS

10. What types of cottage food are a CFO allowed to prepare?

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 which could make people sick.

The California Department of Public Health will maintain a list of approved cottage food categories at their website: <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>. This website currently lists the following cottage food categories:

- Baked goods, without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- Candy, such as brittle and toffee
- Chocolate-covered nonperishable foods, such as nuts and dried fruits
- Dried fruit
- Dried pasta
- Dry baking mixes
- Fruit pies, fruit empanadas, and fruit tamales
- Granola, cereals, and trail mixes
- Herb blends and dried mole paste
- Seasoning salt
- Honey and sweet sorghum syrup
- Nut mixes and nut butters



- Popcorn and popcorn balls
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizelles
- Cotton candy
- Candied apples
- Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts, and hard candy, or any combination thereof
- Marshmallows that do not contain eggs
- Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese
- Flat icing
- Dried or Dehydrated vegetables
- Dried vegetarian-based soup mixes
- Vegetable and potato chips
- Ground chocolate
- Jams, jellies, preserves, and fruit butter that comply with the standard described in **Part 150 of Title 21 of the Code of Federal Regulations**¹

11. What are the other CFO operational requirements?

All CFOs need to meet the requirements outlined in the Self-Certification Checklist that include 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
- No person with a contagious illness working in the CFO
- Proper hand-washing before any food preparation or packaging
- Use of potable water for preparation of cottage food products, including water that is used as an ingredient of food or for hand washing

¹ Jams, jellies, preserves, and fruit butter: The purpose of the regulation is to maintain the integrity of the food product to ensure consumers consistently get what they expect. The product name and ingredients listed on the label must be factual and comply with the legal definitions and standards of identity or the product may be considered misbranded. Products made with other ingredients that are not defined in 21 CFR 150 cannot be produced by cottage food operations. Addition of other ingredients or alteration of ingredient profiles changes the chemistry of the food, which can allow the growth of various bacteria and toxins under the right conditions. For example, addition of peppers (i.e. jalapeno pepper) to make pepper jelly is not supported by 21 CFR 150 and the addition of this low acid ingredient could cause the formation of botulism toxin in the product if the proper controls are not used.



12. How should I label my cottage food product?

Packaged Cottage Food

All cottage food labeling needs to be in accordance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.), and in addition the label needs to include²:

- “Made in Home Kitchen” and “Repackaged in Home Kitchen” (if applicable) in 12-point font
- Name commonly used for the food product
- Name of CFO which produced the food
- Name of jurisdiction that issued the permit or registration
- Registration or permit number of the CFO
- Product ingredients in descending order by weight

Cottage Food Served Unwrapped in Restaurant or Deli

When cottage food is served in a restaurant without packaging or labeling, it needs to be identified to the customer as “made in a home kitchen” on the menu, menu board or other easily accessible location.

REGISTRATION, PERMITTING, AND INSPECTION REQUIREMENTS

13. Does a CFO need a permit to operate?

Planning Departments

All CFOs need to obtain approval from their local city or county planning department. The Homemade Food Act gives planning departments several options to consider and planning department requirements will likely vary from county to county and city to city.

Local Health Jurisdictions

For **Class A** CFOs (direct sale only), registration with the local health department and a completed Self-Certification Checklist approved by the health department are required. For **Class B** CFOs (direct and indirect), an annual permit from the local health department is required. **Note: In Butte County we will request Class B CFOs to also complete the Self-Certification Checklist to assure food handlers are fully aware of all applicable requirements.**

Registrations and permits from local health jurisdictions must be renewed annually must be posted and available to the public at the sales site, and are not transferable between persons, locations, or types of distribution (Class A or Class B).

14. 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 need to be inspected initially prior to permit issuance, and then annually after that.

² For more complete information on labeling requirements, refer to the California Department of Public Health website located at: <http://www.cdph.ca.gov/programs/Documents/fdbCFOLabel.pdf>



Complaint Follow-Up Inspection: The health department may inspect either a Class A or Class B CFO if, on the basis of a consumer complaint, there is reason to suspect the food might be unsafe or the CFO might be operating in violation of the Homemade Food Act.

15. How much will the registration or permit cost the CFO?

Each local jurisdiction may establish fees that are not to exceed the cost of providing the service. Jurisdictional planning departments will likely have fees based on the type of review process that will be required.

Note: In Butte County, the fees for Class A CFOs are \$111 for the initial registration and \$56 per year for renewal. The fee for Class B CFOs is \$222 per year.

FOR MORE INFORMATION CONTACT:

BUTTE COUNTY ENVIRONMENTAL HEALTH

(530) 552-3880

OR

VISIT THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH WEBSITE:

[HTTP://WWW.CDPH.CA.GOV/PROGRAMS/PAGES/FDBCOTTAGEFOOD.ASPX](http://www.cdph.ca.gov/Programs/PAGES/FDBCOTTAGEFOOD.ASPX)