



Guidelines for Cottage Food Businesses

This document provides guidance for allowable foods that may be produced and sold by a Maryland Cottage Food Business. [Code of Maryland Regulations \(COMAR\) 10.15.03.02B\(17-1\)](#) Food Service Facilities, defines a cottage food business that “(a) produces or packages cottage food products in a residential kitchen in Maryland; 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; or directly to a retail food store (defined below). Interstate sales or sales outside of Maryland are prohibited.

Examples of [allowable foods](#) that may be produced under [COMAR 10.15.03.27](#) Food Service Facilities - Farmer's Market, Bake Sales, and Cottage Food Business:

- Baked 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
 - Bread, biscuits, tortillas, and muffins
 - Cakes and cupcakes
- Hot-filled canned acid foods such as:
 - Fruit jelly, jam, and preserves from 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). Note, chocolate covered fruits, and chocolates made from raw cocoa beans, caramel, fudge, and other soft candies 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

Examples of [foods that cannot be allowed](#) as cottage foods:

- 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/buttercream icings or fillings)
- Banana, pumpkin, and zucchini breads (Moist quick breads such as these are considered

potentially hazardous and are not allowable under cottage foods.)

- Focaccia-style breads with vegetables and/or cheeses
- Sourdough or other fermented breads
- Raw cookie dough and pizza dough
- Macarons
- Sugar-free products, including honey sweetened items, such as jams, jellies, syrups, marmalades and other preserves
- Pumpkin and nut butters
- Acidified foods/pickled products such as corn relish, pickles, salsa, pepper jelly, sauerkraut, barbeque sauce, mustard, or condiments
- Candy and chocolate covered fresh fruits
- Cut fresh fruits and/or vegetables
- Dehydrating, drying, or dry aging herbs and vegetables
- Food products made from cut fresh fruits or vegetables
- Food products made with cooked vegetable products
- Garlic and/or vegetable in oil mixtures
- Raw-seed sprouts, including but not limited to alfalfa sprouts or bean sprouts
- Fresh pasta
- Fish or shellfish products
- Fresh, dried, or dehydrated meat or meat products, including jerkies
- Fresh, dried, or dehydrated poultry or poultry products
- Milk and dairy products including hard, soft and cottage cheeses, and yogurt
- Ice or ice products
- Bottled water
- Beverages of any kind
- Elderberry or other syrups
- Seamoss gel and other algae based products

Foods that cannot be offered under cottage foods require a health department food license. To determine if your food item is allowable see the Decision Tree tools for allowable products (see Appendix A) and not allowable products (see Appendix B).

Labeling:

Allowable foods produced under the cottage foods regulation must be prepackaged at the cottage food business and labeled with the following information:

- The name and address* of the cottage food business;
- The name of the cottage food product;
- The ingredients (and sub-ingredients) of the cottage food product in descending order of the amount of each ingredient by weight;
- The net weight, count, 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 health or 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."

- For cottage food products sold at retail stores, labels must additionally include:
 - The phone number and e-mail address of the cottage food business; and
 - The date the product was made.

* **Unique identification number** - A cottage food business may request from the Maryland Department of Health a unique identification number (ID#) to use on the label as an alternative to a business address. If a unique ID# is used, the label must additionally include the name and phone number of the cottage food business. To obtain a unique ID #, the business must submit a request to the Maryland Department of Health via the [Cottage Food Business Request Form](#).

Sample Cottage Food Label:

Label with or without a Unique Identification Number issued by the Department

Chocolate Chip Cookies
Delicious Desserts
Any Street* (*may substitute with Unique ID#*)
Any City, MD Any Zip* (*phone number if Unique ID# is used*)

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

Net Wt. 3 oz.

“Made by a cottage food business that is not subject to Maryland’s food safety regulations.”

**The street address may be substituted with a unique identification number if one has been issued to the cottage food business by the Department. The cottage food business’ phone number must be included.*

Cottage foods sold at retail labels must also include the cottage food business email address, phone number, and date the product was made, see example on page 4.

Label for food sold to a retail food store

Chocolate Chip Cookies Delicious Desserts Any Street <i>(may substitute with Unique ID#)</i> Any City, MD Any Zip <i>(may substitute with Unique ID#)</i> Phone Number E-mail address Date Product was made 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 Net Wt. 3 oz. “Made by a cottage food business that is not subject to Maryland’s food safety regulations.”
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Sampling of Cottage Foods:

Cottage foods may be sampled if the product meets the requirements in this Cottage Food guidance document and is a non-potentially hazardous food. Samples must be prepackaged in the home kitchen (e.g., if bread is sampled, it cannot 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 cannot be kept safely at room temperature) - foods requiring temperature control would require a food license from the local health department.

Selling to a Retail Food Store:

Before a cottage food business can sell to a retail food store (see definition below) the business must submit the following information to the Maryland Department of Health via the [Cottage Food Business Request Form](#). View the Cottage Food Business Checklist prior to making your submission.

- The label that will be affixed to the cottage food product (see label example for food sold to a retail food store on page 4); and
- Documentation of the owner’s successful completion of a food safety course in the past 3 years that is approved by the Department and the [American National Standards Institute](#) which includes, at a minimum, the following subjects:

- Basic food safety;
- Cleaning and sanitizing;
- Personal hygiene;
- Pest control and prevention; and
- Receiving, storing, preparing, and serving food.

This information will be reviewed for compliance with the cottage food laws and regulations. The owner of a cottage food business may not sell or offer for sale a cottage food product to a retail food store until notified by the Department, in writing, that the requirements of the regulation are satisfactorily met.

Definitions:

Allergen

A “major food **allergen**” is defined by [COMAR 10.15.03.02B\(44\)](#) and means:

milk; egg; fish (such as bass, flounder, or cod) crustacea (such as crab, lobster, or shrimp); tree nuts (such as almonds, coconut, pecans, or walnuts); wheat; peanuts; soybeans; and a food ingredient that contains protein derived from milk, egg, fish, tree nuts, wheat, peanuts, or soybeans.

Retail Food Store

A “**retail food store**” is defined by [COMAR 10.15.03.02B\(68-1\)\(a\)-\(b\)](#) Food Service Facilities as:

“a licensed food service facility that sells prepackaged food items either fresh, refrigerated, frozen, or shelf-stable. A retail food store includes a grocery store, convenience store, retail market, retail bakery, or food cooperative.”

[COMAR 10.15.03.02B\(68-1\)\(c\)](#) further defines a retail food store to not include:

“a restaurant, mobile food service facility, coffee shop, cafeteria, short order café, luncheonette, tavern sandwich shop, produce stand that only offers whole, uncut fresh fruits and vegetables, or an establishment that offers only prepackaged non-potentially hazardous foods.”

Additional Resources:

Cottage Food Business decision trees can be used to determine if your food product qualifies as a cottage food, the decision trees along with other additional resources can be found on the Cottage Food Business [webpage](#).

Contact Information for the Office of Food Protection’s Center for Facility and Process Review:

Email: mdh.foodplanreview@maryland.gov.

Website: <https://phpa.health.maryland.gov/OEHFP/OFPCHS/Pages/plan-review.aspx>

Appendices

Appendix A

Decision Tree tool for allowable products

Appendix B

Decision Tree tool for products not allowed

Cottage Foods Decision Tool

Cottage food businesses are not licensed, but must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products. Contact your local permits, licensing and zoning department to inquire about specific requirements.

Appendix A

I want to sell food made in my home

I want to make non-perishable baked goods, high-acid jams and jellies, granola, package commercially prepared spice blends, etc.
Click below for a list of allowable products, which are considered non-perishable foods.

[Allowable Foods](#)

I want to sell my food to a grocery store or food cooperative in Maryland.

YES! COTTAGE FOODS

Maryland Department of Health (MDH) review required. Submit plans to MDH using the link for "Cottage Foods at Retail Intake Form."

[Cognito Forms](#)

Once you have met the requirements you will receive a letter of compliance. No fee for review and no license is required. Compliance with labeling requirements and maximum annual sales limit. Changes in products/business location/labeling/ sales locations must receive prior approval.

[Cottage Foods](#)

I want to sell my food directly to consumers at farmers' markets or other public events, by personal delivery, by mail, or customer pick-up. Must be in Maryland.

YES! COTTAGE FOODS

No license or health department review needed. Must comply with labeling requirements and maximum annual sales limit.

[Cottage Foods](#)

Contact the local health department jurisdiction in advance of participating in a farmers' market or public event for additional requirements

[LHD Food Contact](#)

I want to sell my food in another state either directly to consumers (such as through the mail) or wholesale (to restaurants, etc.)

NO - NOT ALLOWED UNDER COTTAGE FOODS

You will need a commercial kitchen and either a retail food or food processing license.

To sell direct to consumers (retail) or up to 25% wholesale contact the local health department. Fees vary depending on jurisdiction.

[Local Health Departments](#)

To sell only wholesale or over 25% wholesale contact the Maryland Department of Health (MDH) for a food processing license. Submit plans and applicable fees to MDH. Once plans are approved and a pre-opening inspection is conducted, you will apply for a license (annual fee).

[MDH Plan-review](#)

I am the owner of a farm (agriculturally zoned)

Some products not allowed under Cottage Foods can be produced with an on-farm home processing license. See our website for information and Plan Review application.

[plan-review](#)

Cottage Foods Decision Tool

Cottage food businesses are not licensed, but must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products. Contact your local permits, licensing and zoning department to inquire about specific requirements.

Appendix B

I want to sell food made in my home

I want to make perishable baked goods (like pumpkin pie), jams/jellies with ingredients that are not acidic (e.g, pepper jelly), products requiring refrigeration, acidified foods, or other food not listed as approved for Cottage Foods.

NOT ALLOWED UNDER COTTAGE FOODS – OTHER REGULATIONS APPLY

Click Below for examples of items not allowed under Cottage Foods.

[Foods Not Allowed](#)

I am the owner of a farm (agriculturally zoned)

Some products not allowed under Cottage Foods can be produced with an on-farm home processing license. Click below for information and Plan Review application.

[plan-review](#)

I am NOT the owner of a farm (agriculturally zoned).

A local health department or state license will be required.

You will need a facility with a commercial kitchen.

I want to sell my products **directly to consumers** via retail sales (this includes internet sales nationwide) OR retail with the ability to sell wholesale to other businesses (wholesale not exceeding 25% of my total sales).

Food Service Facility License Needed from the Local Health Department

Contact the local health department for plan review and licensure.

[LHD Food Contact](#)

Note: The following foods cannot be manufactured under a local health department license: certain canned foods (i.e. acidified and low acid) such as green beans and pickled eggs, smoked fish, pasteurized crabmeat, bottled water, or soft drinks.

I want to sell only to other businesses (wholesale) or more than 25% of my total sales will be wholesale.

Food Processing Plant License Needed from the Maryland Department of Health

Submit plans and applicable fees to this office. Once plans are approved and a pre-opening inspection is conducted, you will apply for a license (annual fee).

[MDH plan-review](#)