



## Cottage Food Law 2021 Update – FAQ's

### **1. What are the changes in the Cottage Food Law?**

Answer: There are additional foods allowed to be sold, additional requirements for the product labels, additional delivery methods, and the limit for annual income under the law has been removed.

### **2. What foods can be sold under the Cottage Food Law?**

Answer: The Cottage Food Law allows for the sale of non-potentially hazardous foods including baked goods; jams, jellies, and fruit preserves; candy; dried and dehydrated herbs, herb mixes, vegetables, or fruits; roasted coffee; dried baking mixes; and/or fermented or preserved vegetables or fruits that do not result in the production of alcohol and that have a pH allowed by the health department.

### **3. Will the health department inspect my home kitchen?**

Answer: No. The local county health department will only provide a review of the food safety course certificate and the product labels.

### **4. What is required on the food product label?**

Answer: The label is required to have the following: The common name of the food, the name and address of the cottage food production operation, a statement that the food is not inspected by the health department, a list of ingredients for the product in descending order of predominance, and a disclaimer that the food may contain allergens, all in at least 10-point font.

### **5. Does the label have to be on every product sold?**

Answer: Yes. The Cottage Food Law stipulates all items for sale must be labeled.

**6. Where can a cottage food producer take the food safety training course?**

Answer: The Alabama Cooperative Extension Service offers a food safety course developed specifically for cottage food operations. Other accepted food safety courses can be taken through any ANSI accredited food safety program.

**7. When a cottage food producer's food safety course certificate expires, will the producer need to retake a food safety course?**

Answer: Yes. The Cottage Food Law requires that the cottage food operator maintain a food safety course certification.

**8. Who reviews the food safety course certificate and product labels?**

Answer: Your food safety course certificate, a sample product label, and your completed cottage food review form should be taken to your local county health department for review.

**9. Is there a charge or fee for the health department to review the food safety course certificate and product labels?**

Answer: Fees vary by county. Check with your local county health department about any fees for the review process.

**10. Can a cottage food producer advertise his/her products on social media?**

Answer: Yes. The Cottage Food Law does not prohibit advertising.

**11. Can a cottage food producer sell his/her products over the internet?**

Answer: Yes. A cottage food producer may sell his/her food products directly to consumers in person, by phone, or online as long as the receiving person is in Alabama.

**12. Can a cottage food producer mail his/her products to the consumer?**

Answer: Yes. A cottage food producer may deliver his/her food products directly to consumers within the state whether in person, through an agent of the producer, or by mail.

**13. Under the Cottage Food Law, the food items may be delivered in-person, through an agent of the producer, or by mail. What is an agent of the producer?**

Answer: An agent of the producer is a person who works on behalf of the cottage food producer to deliver the food products to the consumer.

**14. Will the cottage food producer need something from the health department in order to acquire a business license?**

Answer: The local county health department can provide the cottage food producer with a written confirmation that the food safety course certificate and product labels have been reviewed.

**15. Can a cottage food producer sell his/her products at the farmers market?**

Answer: State sanctioned farmers markets are under the jurisdiction of the Farmers Market Authority with the Alabama Department of Agriculture & Industries. For product sales at a farmers market, it is best to consult the Farmers Market Authority.

**16. Can foods produced under the Cottage Food Law be sold in restaurants?**

Answer: No. Permitted food establishments are not allowed to sell food items produced in a private home.

**17. Can a cottage food producer sell his/her products from a mobile unit or from his/her own store front?**

Answer: A cottage food producer may not sell his/her products in an establishment or from a mobile food unit permitted by the health department. A cottage food producer may sell from any venue, such as a mobile food unit, van, cart, tent, booth or store front that is not permitted by the health department as long as the products are being made in the cottage food producer's home and sold directly to the consumer.

**18. Can a cottage food producer have his/her products sold in a retail store on consignment?**

Answer: No. The cottage food producer may only sell his/her products directly to the consumer.

**19. Can a cottage food producer make and sell beef jerky or a baked food that contains meat like pigs in a blanket?**

Answer: No. Meat products are considered potentially hazardous foods and are not allowed under the Cottage Food Law. Meat, poultry, and fish are specifically excluded under the Law.

**20. Can a cottage food producer sell pickles or salsa?**

Answer: Fermented vegetables like pickles and acidified foods like salsa must undergo a pH verification before being allowed to be sold from a cottage food production operation.

**21. Where can verification of water activity or pH for a product be obtained?**

Answer: The Alabama Cooperative Extension Service may provide some pH and water activity testing, or a processing authority must be used.

**22. Can a cottage food producer provide his/her own pH test results for fermented vegetables to the health department using a pH meter he/she has purchased?**

Answer: No. Fermented or preserved vegetables or fruit must undergo a pH verification from a processing authority or the Alabama Cooperative Extension Service. After the pH verification is approved, it is recommended that the cottage food producer routinely conduct his/her own pH tests.

**23. Can a cottage food producer make and sell freeze-dried vegetables and fruits?**

Answer: Freeze-dried foods must undergo a water activity verification before being allowed to be sold from a cottage food production operation.

**24. Can non-potentially hazardous food products containing alcohol (ex. Alabama Lane Cake) be sold from a cottage food operation?**

Answer: Non-potentially hazardous food items containing less than 3% alcohol may be sold under the Cottage Food Law. For non-potentially hazardous food products containing more than 3% alcohol, it is best to consult the Alabama Beverage Control Board.

**25. Is a scannable QR code allowed on a cottage food label in lieu of contact information and/or a list of ingredients?**

Answer: No. The Cottage Food Law requires that all labels include the name and address of the cottage food operation, a statement that the food is not inspected by the health department, a list of the ingredients in descending order of predominance, and a disclaimer that the food may contain allergens.