



# COLORADO

Division of Environmental Health & Sustainability

Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

## Colorado Cottage Food Act

### Senate Bill 12-048 allows for certain unlicensed food production

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#### Can I Sell My Cottage Foods to Restaurants?

Cottage food operators are not allowed to sell their cottage food products to local restaurants or grocery stores.

These types of sales are considered “wholesale” and are not allowed under the law.

Cottage food operators must sell their cottage food products directly to the consumer.

In 2012, the Colorado Legislature enacted Senate Bill 12-048, allowing individuals to sell certain types of “cottage food” products in an unlicensed home kitchen. This bill was modified during the 2013 legislative session by House Bill 13-1158. A copy of the bill can be found at:

<https://www.colorado.gov/cdphe/cottage-foods-act>

Cottage food products include such items as spices, teas, dehydrated produce, nuts, seeds, honey, candies, jams, jellies and certain baked goods.

It also includes whole eggs except that a person may not sell more than 250 dozen per month.

Cottage food operations require no license or permit from the Colorado Department of Public Health and Environment and are not inspected by any state or local government entity.

Net sales for each product produced by a cottage food operation must not exceed \$5,000 annually. Products must be sold directly by the cottage food operator to the end consumer.

Sales by consignment or to retail food or wholesale food establishments are prohibited.



Cottage food products must be labeled in accordance with the requirements as outlined in Section 35-21-105 CRS.

Eggs must be handled and labeled in accordance with the requirements outlined in Section 35-21-105 CRS.

## Cottage food complaints: know the rules!

The department or local public health agency may investigate any complaint received concerning cottage food operations. If your cottage food operation is the subject of a complaint, you must allow a state or local public health employee in your cottage food

operation to conduct an inspection.

The employee will inspect your cottage food operation to determine compliance with applicable laws, rules and regulations.

If, as a cottage food producer, you produce

foods that are not allowed by the provision of the *Colorado Cottage Foods Act*, the state or local public health agency has the authority to embargo and/or the product in question.

Since the production of foods not allowed under the *Colorado Cottage Foods Act* would require a license and a commercial facility, a local public health agency may use the enforcement provisions of the *Food Protection Act* to obtain compliance.

# What types of Cottage Foods can I produce?

As a cottage food operator, you are allowed to produce certain food items which are considered non-potentially hazardous. An exception to this is whole eggs which the number sold cannot exceed 250 dozen per month.

The table (at right) provides a listing of acceptable cottage food products.



If you have any questions regarding the production of a particular cottage food product please contact your local public health agency or the Division of Environmental Health and Sustainability at 303- 692-3645. A listing of local public health agencies by county can be found at:

<https://www.colorado.gov/cdphe/find-your-local-public-health-agency>

Acceptable Cottage Food Products
Whole Eggs
Spices
Teas
Dehydrated Produce
Nuts
Seeds
Honey
Jams, Jellies and Preserves
Fruit Butter
Candies
Certain Baked Goods



## What about a list of non-allowed food products?

Unless the product in question is of the type mentioned above, it is NOT permissible to be sold under the act.



## Frequently Asked Questions

**Question:** How do I sell my cottage food products?

**Answer:** You may sell your products directly to the consumer from your residence, roadside stand, farmers' market, community supported agriculture organization, or other similar venue.

**Question:** Am I able to deliver my cottage food products?

**Answer:** Yes, you may deliver your cottage food products directly to the consumer.

**Question:** Do I need a permit or license for my cottage food operation?

**Answer:** No, you do not need a state permit or license for your cottage food operation. However, you should check with your city or county for any other requirements or recommendations they may have.

**Question:** Is there any limit to how much I can earn from my cottage food operation?

**Answer:** Yes, cottage food operators are limited to \$5,000 in net sales per product each year. It is the operator's responsibility to comply with applicable laws, rules and regulations regarding the collection of sales tax.

# Labeling Requirements for Cottage Foods

The cottage food law requires specific labeling for the sale of cottage food products.

A cottage food operation may only sell cottage food products which are offered with a label containing the following information (printed in English):

- ◆ The identification of the cottage food product;
- ◆ The producer’s name and the address at which the cottage food was produced;

- ◆ The producer’s current phone number or email
- ◆ The date on which the food was produced;
- ◆ A complete list of ingredients; and
- ◆ The following statement:

“This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale.”

See the example below for guidance.

**Chocolate Chip Cookie**

*Joe Baker*  
123 Safe Food Ave.  
Anywhere, CO 80XXX  
303-555-1234  
jbbaker@cookie.com

**Manufacture Date:** March 15, 2012

Ingredients: Enriched flour (wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liqueur, cocoa butter, butterfat (milk), soy lecithin as an emulsifier), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.

DISCLAIMER: This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale.



## Can I Make Salsas or Barbecue Sauce?

Processing of low-acid foods by retort canning or processing of acidified foods is not allowed by a cottage food operator.

These types of products must be commercially processed to ensure sterility under conditions of non-refrigerated storage and distribution.

Canning or processing acidified foods must be done in a state licensed or registered facility.

# Selling of Eggs



Eggs can be sold directly from the person’s

own premises, roadside stand, Farmers’ Market, Community Supported Agricultural Organization, or any similar venue without health department licensing or inspection. The number of eggs sold is limited to 250

dozen per month and must be handled in accordance with the requirements of Section 35-21-105, C.R.S. The label on the egg package must contain the address at which the eggs originated and the date of packaging. Any eggs not treated for salmonella must include

the following statement on the package: “Safe Handling Instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook any foods containing eggs thoroughly.” The package must also include “These eggs do not come from a

government-approved source.”

Please refer to the Colorado Department of Agriculture’s website for more information:

<http://www.colorado.gov/cs/Satellite/Agriculture-Main/CDAG/1167928196642>

# Terms and Definitions

**Home** - Means a primary residence occupied by the producer producing the food allowed by the Colorado Cottage Foods Act.

**Non-potentially Hazardous** - Means any food or beverage that, when stored under normal conditions without refrigeration, will not support the rapid and progressive growth of microorganisms that cause food infections or food intoxications. Does not include low-acid or acidified foods.

**Producer** - Means a person who is a resident of Colorado and who prepares non-potentially hazardous foods in a home kitchen or similar venue for sale directly to consumers



## Cottage Food operations requires training



### Did you know?

Raw, uncut produce can be sold in Colorado without licensing or registration. The FDA's Good Agriculture Practices provide recommendations for safe practices to assure produce is safe for consumption.

<http://www.fda.gov/food/resourceforyou/consumers/ucm114299>

The Colorado Cottage Foods Act requires "producers to take a food safety course that includes basic food handling training and is comparable to, or is a course given by, the Colorado State University Extension Service or a state, county, or district public health agency, and must maintain a status of good standing in accordance with the course requirements, including attending any additional classes if necessary. Safe food handling courses should include topics on safe food sources, personal hygiene, sanitation of equipment, worker illness, food temperature control, safe water, sewage disposal, pest control,

Contact the CSU Extension Service or your local public health agency, who may offer this training.

Additional cottage food materials are posted on the Colorado Farm to Market website at:

<http://cofarmtomarket.com/>



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