



Placer County Health and Human Services Department

Richard J. Burton, M.D., M.P.H.
Health Officer and Department Director

Wesley G. Nicks, R.E.H.S.
Director of Environmental Health,
Public Health and Animal Services

CALIFORNIA HOMEMADE FOOD ACT FREQUENTLY ASKED QUESTIONS (AB 1616 aka COTTAGE FOOD OPERATIONS)

1. When does the new law (AB1616) go into effect?

The new law becomes **effective January 1, 2013**. The law requires the California Department of Public Health (CDPH) to carry out certain tasks associated with implementation; among the tasks assigned to this state agency are providing food processor's training, posting approved cottage foods on their web page, and establishing a process for adding and removing food from the approved cottage food lists. The law also imposes certain responsibilities on local planning and environmental health jurisdictions.

The California Conference of Directors of Environmental Health (CCDEH) is working with other stakeholders to ensure that the law is implemented in an orderly, effective, and uniform manner.

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

A CFO is an enterprise at a **private home** where **low risks food** products are prepared or packaged for sale and consumption to consumers.

3. What is meant by a "private home"?

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

4. Can a CFO have employees?

A CFO can have (1) **one full-time** equivalent employee (not counting immediate family or household members).

5. 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.

6. What cottage food categories are permitted at a CFO?

Only foods that are defined as “**non- potentially hazardous**” are approved for preparation or packaging by CFO’s. These are foods that do not require refrigeration to keep them safe from bacterial growth, which could potentially make people sick. The CDPH will establish and maintain a list of approved cottage food categories on their website and will establish a process by which **new foods can be added to the list and other foods can be challenged and removed.**

The following **food categories are included** in the new law:

- 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 non-perishable foods, such as nuts and dried fruit
- 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
- Honey and sweet sorghum (molasses) syrup
- Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations. (These should be fruit products to assure that they are not potentially hazardous foods)
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizzelles (Italian waffle cookies)

7. What are the two classifications of CFOs?

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

8. What is meant by “Direct Sale” of cottage food?

“Direct Sale” means a **transaction between CFO operator and 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 market, or through community event. (Note: door to door sales require Solicitor’s Permit from the County Tax Collector’s Office or City’s Administration Services).

9. 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 environmental health agency in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food maybe immediately consumed on the premises.

10. What are the CFO’s Operational Requirements?

All CFOs must comply with the following:

- **No domestic activity** in kitchen during cottage food preparation
- **No infants, small children, or pets** in kitchen during cottage food preparation
- **No Smoking** in kitchen area during preparation or processing of cottage food
- **Kitchen equipment and utensils kept clean and in good repair**
- **All food contact surfaces and utensils washed, rinsed, and sanitized before each use**
- **All foods preparation and storage areas free of rodents and insects**
- **Person with contagious illness shall refrain from working**
- **Proper hand-washing** shall be completed prior to any food preparation or packaging
- **Water used** in the preparation of cottage food products shall meet the **potable drinking water standards for transient non-community water system described in California Retail Food Code section 113869. (If your private water supply is a drilled well, you will be required to perform some water quality testing to demonstrate if your water is potable)**

Cottage food preparation activities include:

- Washing, rinsing and sanitizing of any equipment used in food preparation
- Washing and sanitizing hands and arms
- Water used as an ingredient of cottage food

11. Do I need any special Training or Certification to prepare (or packaged) cottage foods?

A person who prepares or packages cottage food products must complete a **Food Processors Course** instructed by the California Department of Public Health (CDPH) **within three (3) months of being registered or permitted.**

12. Can I expand my home kitchen area square footage to accommodate my cottage food operation?

Any expansion or remodeling must be **consistent with a residential home kitchen**. Contact the county or city building, planning, and fire authorities for approval and applicable permitting requirements. All cottage **food operations including storage, preparation, mixing, assembling, packaging, and or labeling shall occur inside the living space of the home**. (Garage, sheds, backyards, vehicles, and out buildings or any other structure or locations outside the living space can't be use in your CFO).

13. Does a CFO need a permit to operate?

➤ Planning/Zoning:

- All CFO will need to obtain **approval** from their local city or county **planning department**. The Homemade Food Act gives planning department several options to consider, so requirements may vary between jurisdictions.

➤ Environmental Health:

- For **"Class A"** CFO (direct sale only), **registration accompanied by self certification checklist** approved by the local health department is all that is required.
- For **"Class B"** CFO (direct and indirect sales), **permit accompanied by self certification checklist** approved by the health department is required.

➤ Other Requirements:

- Check on other **state or local requirements that may be applicable** (i.e. business license, solicitor's license, temporary event permit, etc...)

NOTE: Registrations and Permits are non-transferable between: persons, locations, type of foods, types of food sales (direct vs. indirect)

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

Each local jurisdiction will establish **fees that are not to exceed the cost of providing the service**. **Additional fees** may be charged for inspections and/or enforcement activities if the cottage food operation is **found to be in violation** of California Food Safety Laws on Cottage Food Operations.

15. Will my CFO Registration/Permit allow me to sell at other retail venues?

Yes, but only within your county or jurisdiction (unless the Environmental Health Director in that outside jurisdiction permits the operator to conduct indirect sales within their jurisdiction). Additional health permits may be required to sell at other locations, such as Certified **Farmer's Markets, Temporary Events, Community Events, or Swap Meets**. Please contact the Health Department for additional permit requirements.

16. Can I sell my Cottage Food Products online?

Yes, however the CFO **must deliver their CFO products directly (in person) to the customer within their permit jurisdiction**. CFO can accept orders and payments via the internet, mail or phone. If you decide to sell your products outside the county and you deliver them via US Mail, UPS, Fed Ex or other indirect delivery method, these types of sales involving indirect delivery methods are regulated /subject to CDPH registration and state and federal requirements. You may contact California Food and Drug Branch P.O. Box 997413 Sacramento CA 95899 or call 916-650-6500 and secure the necessary requirements or permit.

17. How often will a CFO be inspected?

- **Class A** CFO kitchens and food storage areas are **not subject to initial or routine inspection**.
- **Class B** CFO kitchens and food storage areas are **inspected initially prior to permit issuance and then annually after that**.
- **Class A or B (other inspections)** environmental health may access for inspection (which may include view and copy records, seize products, take photos etc...) the registered or permitted area where a cottage food operation is located only if the representative has, on the basis of **consumer complaint**, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation or the cottage food operation is **found to be in violation** of the California Food Safety Laws.

18. What would be my food labeling requirements?

- All cottage food products must be properly **labeled in compliance with the Federal, Food, Drug and Cosmetic Act (21 U.S.C. Sec.343 et. seq...** the label shall include:
 - The words **“Made in a Home Kitchen”** in 12-point font type
 - The **name** commonly used for the **food product**
 - **Name and City of CFO** which produced the food product
 - The **registration or permit number** of the cottage food operation which produced the cottage food product, and the **name of the local health department** that issued the number.
 - Product **ingredients** in descending order by weight
 - **Net quantity (count, weight or volume)** of the product both in English units (pound) and Metric units (grams).
 - A declaration on the label if the food **contains any of the 8 major food allergens (milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, & soybean)**
- In a permitted food facility, cottage food **products served without packaging or labeling shall be identified to the customer as homemade** on the menu, menu board or other easily accessible location.

**FOR MORE INFORMATION CONTACT:
PLACER COUNTY ENVIRONMENTAL HEALTH
@ (530)745-2300**