



## **CALIFORNIA HOMEMADE FOOD ACT**

### **FREQUENTLY ASKED QUESTIONS**

(AB 1616 aka COTTAGE FOOD OPERATIONS)

#### **1. When did the California Homemade Food Act (AB1616) go into effect?**

The new law became effective January 1, 2013.

#### **2. What is Homemade Food Act a.k.a. Cottage Food Operation (CFO)?**

A CFO is an enterprise located at a private home where approved, non-potentially hazardous or *low risk 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. This means an individual, paid or volunteer, who is involved in the preparation, packaging, handling and storage of a cottage food product, or otherwise works for the cottage food operation (does not include immediate family or household members of the cottage food operator).

#### **5. Are there limitations on the size of CFO's sales?**

Yes, CFO sales are limited as follow:

- \$50,000 or less in gross sales in 2018 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 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 list of approved foods:*

- **Baked or Fried Bakery products** (WITHOUT cream, custard, meat filling, cheese, bacon, fresh fruit toppings or vegetables that are either baked on top or used as filling). ex. Cakes, cookies, breads, pies, churros, etc.
- **Buttercream frosting, icing, fondant, gum paste and flat icing without eggs, cream, cream cheese, or milk**
- **Candy, such as brittle and toffee & cotton candy**
- **Candied apples** (caramel apples)
- **Chocolate- covered non-perishable foods** ( i.e. nuts, dried fruits, pretzels)
- **Confections such as salted caramel, fudge, marshmallow bars chocolate covered marshmallows, nuts, hard candy or any combination thereof**
- **Dried fruit** (in the kitchen not outside, ex. fruit leathers or dried peppers)
- **Dried or dehydrated vegetables** (dried in the kitchen, not outside)
- **Dried Pasta**
- **Dried vegetarian-based soup mixes and Dried Grain Mixes**
- **Dry baking mixes**
- **Fruit pies, fruit empanadas, and fruit tamales**
- **Granola, cereals and trail mixes**
- **Ground Chocolate** (ground cocoa beans)
- **Herb blends, dried mole paste and seasoning salt** (dried herbs & spices blends only) **Part 182 of Title 21**
- **Honey, sweet sorghum syrup.** (Note: honey packaged by a producer does not need CFO or PFR only AG certificate)
- **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 only (no vegetables) Sugar must be the first ingredient.
- **Marshmallows that do not contain eggs**
- **Nut mixes and nut butters**
- **Popcorn or popcorn balls** (only corn, other grains not allowed)
- **Roasted coffee and dried tea**
- **Vegetable and potato chips**
- **Vinegar and mustard** (cannot be infused with vegetables, herbs, spices, onion or garlic)
- **Waffle cones and pizzelles** (Italian waffle cookies)

**REMINDERS:**

- *Processing any food (such as acidified foods, low acid canned foods, vacuum packaging or reduced oxygen packaging, etc...) not included in the above list requires approval from Environmental Health or a State Permit (ex. Processed Food Registration Permit aka PFR). FOODS OTHER THAN THOSE LISTED ABOVE SHALL NOT BE MADE IN A HOME KITCHEN.*
- If the product you want to make at home is not on the approved list, you may submit a request to add the food product to the Cottage Food Approved List managed by the California Department of Public Health Food and Drug Branch (CDPH- FDB). ([fdbinfo@cdph.ca.gov](mailto:fdbinfo@cdph.ca.gov))

**7. What are the two classifications of CFOs?**

- **Class A may only engage in the “direct sale” of cottage food products.**

- Class B may engage in both “direct sales” and “indirect sales” of cottage food products.

## 8. 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, food swaps, transactions at farm stands, certified farmers’ market, transactions via a community supported agriculture subscription and transactions occurring in person in the cottage food operation. (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 may be immediately consumed on the premises.

## 10. What are the CFO’s Operational Requirements?

All CFOs must comply with the following: (See specific sections of California Retail Food Code Below)\*

- No domestic activity in the 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
- Persons with a contagious disease/illness shall refrain from working
- Proper hand-washing shall be completed prior to any food preparation or packaging
- Water used in the preparation, packaging or cleaning of cottage food products and equipment shall meet the potable drinking water standards for transient non-community water systems described in California Retail Food Code section 113869.

*NOTE: Residences that have a private water supply such as a “drilled well” shall be required to perform water quality testing to demonstrate that the “well water” is potable.*

### **Required Minimum Initial Tests:**

1. **potability test or bacteriological test**
2. **nitrate**
3. **nitrite**

Thereafter bacteria tests shall be done every three months, nitrate tests every year and nitrite tests every three years.

\* Operational Requirements based on California Retail Food Code sections 113953.3, 113967, 113973, 113980, 114259.5, 114285, 114286, 114365, 114405, 114407, 114409, 114411 & 114413.

- Waste water from a CFO facility shall be connected to an approved on-site sewage disposal system or to a public sewer. For Class A CFOs no other sewage requirements must be met if you are on a septic system. For Class B CFOs on a *private* sewage disposal

system, there might be additional requirements such as having your septic tank pumped, adding laterals or upgrading your septic system to support additional flows. (NOTE: Please contact one of our Land Use Specialists @ 530- 745- 2300 if you have any questions about your septic system, whether it can accommodate additional flows due to having a Class B operation). **No other requirement if you are on a public sewer.**

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

**A person who prepares or packages cottage food products must possess either a Food Safety Certificate** (*Placer County provides the Food Safety Certification Class 4 times a year. Check our website for schedule and fees*) **or California Food Handler's Card** (*which can be taken online*). These will satisfy the training requirement specified in the California Health and Safety Code Section 114365.2(d).

### **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 preparation, mixing, assembling, storage, packaging, and or labeling shall occur inside the living space of the home.**

NOTE: garages, sheds, backyards, vehicles, and out buildings or any other structures or locations outside the living space cannot be used as storage, food preparation, packaging or labeling facilities in your operations.

### **13. Does a CFO need a permit to operate? YES**

#### ➤ **Planning/Zoning:**

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

#### ➤ **Environmental Health (EH):**

- **For "Class A" (direct sale only), an annual registration accompanied by a self-certification checklist approved by the local health department is required.**
- **For "Class B" (direct and indirect sales), an annual permit accompanied by a 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, selling at Denio's, etc...)**

NOTE: Notify the local Environmental Health for any change in your operation (i.e. ...change of residence, addition of products, label or ingredient changes, etc...). **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?**

**Environmental Health Fee for fiscal year beginning July 1, 2017 - June 30, 2018 for Class A registration fee is \$91.00 and for Class B permit fee is \$273.00.** Visit our website for current fee schedule.

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

**YES, but additional health permit(s) may be required to sell at other locations such as Denio's, Certified Farmer's Markets, Temporary Events, Community Events, or Swap Meets. Please contact the Environmental Health Division @ 530- 745-2300 for additional permit requirements.**

### **16. Can I sell my Cottage Food Products online? YES**

**A CFO can accept orders and payments via the internet, mail or phone; however the CFO must deliver their products directly (*in person*) to the customer. If a CFO wants to deliver a product via US Mail, UPS, Fed Ex or other indirect delivery methods, these types of sales are regulated and subject to CDPH Process Food Registration (PFR) and federal requirements. (NOTE: 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). **Note: Cottage Foods from other States cannot be sold in California.****

### **17. If I have CFO registration or a permit from a county other than Placer County, can I sell my products in Placer County? YES**

**Class A may engage only in direct sales of cottage food products to the consumer.**

(holiday bazaars, temporary events such as bake sales, food swaps, farm stands, certified farmers' markets, county fairs, and transactions occurring in person within the cottage food operation)

**Class B may engage in both direct and indirect sales of cottage food products to the consumer.**

(permitted retail shops, or retail food facilities where food may be immediately consumed on the premises such as coffee shops or restaurants)

**NOTE: An application form and fee will be required together with a copy of your permit from your County of origin upon submittal to sell in Placer County** (ex. selling at Denio's Market, Temporary Food Facilities, Community Events, etc...). Visit our website or contact our office for permit application and current fee schedule.

### **18. How often will a CFO be inspected?**

- **Class A operations are not subject to initial or routine inspection.**
- **Class B operations are inspected initially prior to permit issuance and then annually thereafter.**
- **Environmental Health may access Class A or B CFOs for additional inspections (*which may include view and copy records, impound products, take photos, etc...*), on the basis of consumer complaints, suspicions that adulterated or otherwise unsafe food has been produced, or in the event the operation is found to be in violation of the California Food Safety laws regarding CFOs. (NOTE: Inspections can occur at a private home, community events, farmers markets, bake sales, swap meets, or any third party retailer.)**

### **19. What are the labeling requirements for my food products?**

- **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 the CFO which produced the food product**
  - **The registration or permit number** (Environmental Health will issue these numbers upon receipt and approval of the complete application packet) **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 (it means the heaviest ingredient must be listed first)** Reminder: Flour must list in parenthesis its components or sub ingredients, ex. Wheat Flour (wheat, malted barley, niacin, iron, thiamine mononitrate, riboflavin, folic acid, etc...)
  - **Net quantity (count, weight, or volume) of the product both in English units (pound) and Metric units (grams).** Ex. 8 oz. (227 g)
  - **A declaration on the label if the food contains any of the 8 major food allergens (milk and milk products, eggs, fish, shellfish, tree nuts, peanuts, soy and wheat proteins)** **Reminders: coconut is a tree nut and butter is a milk product.**
- **Cottage food products served in a permitted retail food facility, without packaging or labeling, shall be identified to the customer as homemade on the menu, menu board, or other easily accessible location that would reasonably inform a consumer of its homemade status.**

## **20. I want to become a CFO, what should I do now?**

- **Submit a CFO\* Application and pay the appropriate fee, then attach the following:**
  - **Self-Certification Form\***
  - **Food Handler’s Card or Food Safety Certificate**
  - **Product List and Sample Labels\***
  - **Kitchen floor plan showing storage area for your products and supplies**
  - **Water Test results for bacteria, nitrate and nitrite (if you are on a private “well”)**

**Note: These \*forms are available online; please make sure to fill out the forms as completely as possible.**

- **EH Inspector will process your application and once it is complete, you will be issued a permit or registration number. After that you will re-submit your final sample label which displays your assigned number followed by the words “Issued in Placer County”.**
- **Once everything is completed (Class B CFOs require a home kitchen Inspection) An Inspector will sign your completed Self Certification Form and mail back your approved copy with your Permit or Registration to Operate a CFO within Placer County.**

**REMINDERS:**

1. *Make sure to keep your Permit or Registration and Self Certification Form in a safe place.*
2. *The permit or registration or an accurate copy thereof shall be retained by the operator onsite at the time of either direct or indirect cottage food sale.*
3. *Registration and permits are non-transferrable between persons, locations or types of food sales.*

**FOR MORE INFORMATION CONTACT:  
PLACER COUNTY ENVIRONMENTAL HEALTH**

**Website:** <http://www.placer.ca.gov/departments/environmental-health>

**Contact # (530)745-2300 Auburn  
(530)581-6240 Tahoe**