



## Maryland Cottage Food Law

In 2012, Maryland passed a Cottage Food Law, allowing residents to operate a home-based bakery or home food processing company. The intent was to encourage the development of small food businesses, and create market opportunities through farmers markets and community events. Prior to the law, these small businesses were not allowed to sell at these venues. A “cottage food product” was defined as a non-hazardous food, to be sold only at a farmer’s market or public event, with a \$25,000 limit on sales.

A cottage food business, in compliance with these requirements, was not required to be licensed by the Department of Health and Mental Hygiene (DHMH). DHMH was also tasked with developing specific regulations to carry out the bill. County health departments were also able to determine whether they would accept and enforce the DHMH regulations, or develop their own laws and ordinances to regulate the preparation, processing, storage and sale of cottage food products.

### **APPROVED FOODS:** (according to COMAR 10.15.03.02 and 10.15.03.27):

- Non-potentially hazardous hot-filled canned acid fruit jellies, jams, preserves, and butters that are unadulterated, packaged to maintain food safety/integrity, and labeled in accordance with COMAR 10.15.03.12
- Fruit butters made only from apples, apricots, grapes, peaches, plums, quince, or another fruit or fruit mixture that will produce an acid canned food
- Jam, preserve, or jelly made only from a fruit listed from the fruit butter list, oranges, nectarines, tangerines, blackberries, raspberries, blueberries, boysenberries, cherries, cranberries, strawberries, red currants, or another fruit or fruit mixtures that will produce an acid canned food
- Non-potentially hazardous baked goods
- Non-potentially hazardous hard candy
- Food with a water activity of 0.85 or less
- Food with a pH level 4.6 or below (when measured at 75<sup>0</sup>F)
- Food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, such as a food that has a water activity or pH that is above the levels specified above or that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms

### **UNAPPROVED FOODS:**

- **Any** natural or synthetic food that requires temperature control because the food is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of *Clostridium botulinum*, or, in raw shell eggs, the growth of *Salmonella enteritidis*.



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**UNAPPROVED FOODS (con't):**

- A food of animal origin that is raw or heat-treated
- A food of plant origin that is heat-treated
- Raw seed sprouts
- Cut melons
- Cut raw tomatoes
- Garlic and oil mixtures that support the rapid and progressive growth of infectious or toxigenic microorganisms or the growth and toxin production of *Clostridium botulinum*
- Cut leafy greens
- Chocolates, caramel, fudge, and other soft candy