



# Cottage Food Business Information

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**Please note the following information is subject to change as the Environmental Health Division moves forward to implement these new Cottage Food requirements.**

On September 21, 2012, Governor Brown signed into law legislation known as the “Cottage Food” bill (Assembly Bill 1616) that will become effective on January 1, 2013. This bill allows that certain non-potentially hazardous foods can be prepared within and sold from a private home provided certain requirements are met, including but not limited to requirements found in the California Retail Food Code, as well as other applicable state or federal laws, or local ordinances.

The Cottage Food bill defines two classes of cottage food operations: “Class A” which can sell cottage food products directly to the consumer and “Class B” which can sell cottage food products directly to the consumer or to retail stores or restaurants.

## **A. Definitions:**

1. “Class A” cottage food operation; An operation that can only engage in direct sales of cottage food products from the cottage food operation or other direct sales venues described in number 4 below. (H&SC 113758 (a)(1))
2. “Class B” cottage food operation; An operation that can only engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from direct sales venues described in number 4 below, from offsite events, or from a third-party retail food facility described in number 5 below. (H&SC 113758(a)(2))
3. Cottage food operation: An enterprise that has not more than the amount in gross annual sales that is specified in this subdivision, is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers pursuant to this part. In 2012, the enterprise shall not have more than thirty-five thousand dollars (\$35,000) in gross annual sales in the calendar year. In 2014, the enterprise shall not have more than forty-five thousand dollars (\$45,000) in gross annual sales in the calendar sales. Commencing in 2015, and each subsequent

year thereafter, the enterprise shall not have more than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year. A cottage food operation includes both a "Class A" and a "Class B" cottage food operation. (H&SC 113758(a))

4. Direct sale: a transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. 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' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation. (H&SC 113758 (b)(4))
5. Indirect sale: an interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third party retailer that holds a valid permit issued pursuant to Section 114381. 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. (H&SC 113758 (b)(5))
6. Private home: a dwelling, including an apartment or other leased space, where individuals reside. (H&SC 113758 (b)(6))
7. Cottage food operator: an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation. (H&SC 113758 (b)(2))
8. Cottage food employee: 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. An employee does not include an immediate family member or household member of the cottage food operator. (H&SC 113758 (b)(1))
9. Cottage food products: nonpotentially hazardous foods, including foods that are described in Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation. (H&SC 113758 (b)(3))
10. Registered or permitted area: the portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage. (H&SC 113758 (b)(7))
11. Potentially hazardous food: a food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation. (H&SC 113871(a))  
Note: See the California Health and Safety Code (Division 104, Part 7, Chapter 2, Sections 113729-113941) for a complete list of definitions used in the Cottage Food bill.

## **B. Limitations and Requirements for Cottage Food Operations:**

A "Class A" Cottage food operation must register with the Ventura County Environmental Health Division (EHD) and submit a completed, self-certification checklist to EHD for approval prior to opening for business.

A "Class B" Cottage Food Operation must obtain a permit from the Environmental Health Division (EHD) prior to opening for business. A permit issued by the EHD is not transferable and only valid for the cottage food operator, type of foods allowed, type of food sales and distribution allowed, and for a one year period of time.

The self-certification checklist must be submitted by each cottage food operator and shall include the following limitations and requirements:

1. No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
2. No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.
3. Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.
4. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.
5. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.
6. Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.
7. A person with a contagious illness shall refrain from work in the registered or permitted area of the cottage food operation.
8. A person involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation.
9. Water used during the preparation of cottage food products shall meet potable drinking water standards.
10. A person who prepares or packages cottage food products shall complete a food processor course within three months of becoming registered.
11. A cottage food operation shall properly label all cottage food products.

The following sections of the California Health and Safety Code also apply to cottage food operations:

113953.3. (a) Except as specified in subdivision (b), all employees shall thoroughly wash their hands and that portion, if any, of their arms exposed to direct food contact

with cleanser and warm water by vigorously rubbing together the surfaces of their lathered hands and arms for at least 10 to 15 seconds and thoroughly rinsing with clean running water followed by drying of cleaned hands and that portion, if any, of their arms exposed. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers. Employees shall wash their hands in all of the following instances:

- (1) Immediately before engaging in food preparation, including working with nonprepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (3) After using the toilet room.
- (4) After caring for or handling any animal allowed in a food facility pursuant to this part.
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (6) After handling soiled equipment or utensils.
- (7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat food.
- (9) Before donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.

(b) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands.

114285. (a) Except as specified in subdivision (b), a private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be used for conducting food facility operations.

(b) (1) Nonperishable, prepackaged food may be given away, sold, or handled from a private home. No food that has exceeded the labeled shelf life date recommended by the manufacturer shall be deemed to be nonperishable food.

(2) For purposes of this subdivision, "nonperishable food" means a food that is not a potentially hazardous food, and that does not show signs of spoiling, becoming rancid, or developing objectionable odors during storage at ambient temperatures. (c)

Restricted food service facilities (and cottage food operations) are exempt from subdivision (a) provided that no sleeping accommodations shall be allowed in any area where food is prepared or stored.

114286. (a) No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.

(b) Living or sleeping quarters located on the premises of a food facility shall be separated from rooms and areas used for food facility operations by complete partitioning and solid self-closing doors.

113967. No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.

113973. (a) Gloves shall be worn when contacting food and food-contact surfaces if the employee has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or fingernails that are not clean, smooth, or neatly trimmed.

(b) Whenever gloves are worn, they shall be changed, replaced, or washed as often as handwashing is required by this part.

(c) If used, single-use gloves shall be used for only one task, such as working with ready-to-eat food or with raw food of animal origin, used for no other purpose, and shall be discarded when damaged or soiled, or when interruptions in the food handling occur.

(d) Except as specified in subdivision (e), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used only with food that is subsequently cooked as specified in Section 114004, such as frozen food or a primal cut of meat.

(e) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.

(f) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked.

113980. All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage; shall have been obtained from approved sources; shall be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)).

114405. (a) A permit may be suspended or revoked by a local enforcement officer for a violation of this part. Any food facility or cottage food operation for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility or cottage food operation for which the permit has been revoked shall close and remain closed until a new permit has been issued.

(b) Whenever a local enforcement officer finds that a food facility or cottage food operation is not in compliance with the requirements of this part, a written notice to comply shall be issued to the permit holder. If the permit holder fails to comply, the local enforcement officer shall issue to the permit holder a notice setting forth the acts or omissions with which the permit holder is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or revoked. A written request for a hearing shall be made by the permit holder within 15 calendar days after receipt of the notice. A failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process.

(c) The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. Upon written request of the permit holder, the hearing officer may postpone any hearing date, if circumstances warrant the action.

114407. The hearing officer shall issue a written notice of decision to the permit holder within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permit holder is charged, and shall state the terms of the suspension or that the permit has been revoked.

114409. (a) If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.

(b) Whenever a permit is suspended as the result of an imminent health hazard, the enforcement officer shall issue to the permit holder a notice setting forth the acts or omissions with which the permit holder is charged, specifying the pertinent code section, and informing the permit holder of the right to a hearing.

(c) At any time within 15 calendar days after service of a notice pursuant to subdivision (b), the permit holder may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to a hearing.

114411. The enforcement agency may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any requirement of this part or for interference in the performance of the duty of the enforcement officer.

114413. A permit may be reinstated or a new permit issued if the enforcement agency determines that the conditions that prompted the suspension or revocation no longer exist.