

# Cottage Foods

Alabama SB159  
FAQ  
Registration Form

SB159

By Senators Glover and Hightower

ENROLLED, An Act,

Relating to cottage food production operations; to exempt certain operations that produce baked goods and candy for sale at the producer's home from regulation by the county health department; to require labeling of certain foods produced by the cottage food operation; and to authorize the State Department of Public Health to promulgate rules regarding labeling.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, the following words have the following meanings:

(1) **BAKED GOOD.** Includes cakes, breads, Danish, donuts, pastries, pies, and other items that are prepared by baking the item in an oven. A baked good does not include a potentially hazardous food item as defined by rule of the department.

(2) **COTTAGE FOOD PRODUCTION OPERATION.** A person operating out of his or her home who meets all of the following requirements:

a. Produces a baked good, a canned jam or jelly, or a dried herb or herb mix or a candy for sale at the person's home.

b. Has an annual gross income of twenty thousand dollars (\$20,000) or less from the sale of food described in paragraph a.

c. Sells the foods produced under paragraph a. only directly to consumers.

(3) **DEPARTMENT.** The State Department of Public Health.

(4) **HOME.** A primary residence that contains a kitchen and appliances designed for common residential use.

Section 2. (a) A cottage food production operation is not a food service establishment and is not required to have a food service permit issued by the county health department.

(b) Neither the State Department of Public Health nor a county health department may regulate the production of food at a cottage food production operation except as provided by this act.

(c) The department may issue a stop sale, seize, or hold order for any food suspected of being the cause of a food borne illness.

(d) The department shall promulgate rules requiring a cottage food production operation to label all baked goods, canned jams or jellies, candies, and dried herb or herb mix that the operation sells to consumers, and requiring completion of a food safety course. The label shall include the name and address of the cottage food production operation and a statement that the food is not inspected by the department or local health department. The

operator of a cottage food production operation shall maintain certification of having attended and passed a food safety course approved by the department.

(e) A cottage food production operation may not sell baked goods, jams and jellies, candies, or dried herbs and herb mixes over the Internet.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

# **Alabama Cottage Food Law FAQs**

Q1. What foods can I sell?

The Cottage Food Law allows for the sale of non-potentially hazardous baked goods such as cakes, breads, cookies, or canned jam and jellies, or a dried herb or herb mix or candy.

Q2. Can I deliver my products to my customers?

Yes.

Q3. Can I sell at the farmer's market?

Yes, the *Food Code* allows for the sale of non-potentially hazardous baked goods, such as cakes and cookies, to be sold at state sanctioned farmer's markets with proper labeling.

Q4. Can I sell a baked food that contains meat like pigs in a blanket?

No, meat products are considered potentially hazardous foods and are not allowed under the Cottage Food Law.

Q5. Can I sell pickles or salsa?

No, The Cottage Food Law does not list pickles or salsa as foods that may be sold from the home.

Q6. Where can I take the training course?

The Alabama Cooperative Extension Service course developed specifically for cottage food operations, and food handler/worker courses offered by nationally accredited bodies, such as ServSafe and The National Registry, are considered approved courses.

Q7. Who can I show my food safety certificate to and who reviews my product label?

The local county health department can provide a review of your food safety certificate and product label.

Q8. What is required on the label?

The name and address of the cottage food production operation, and a statement that the food is not inspected by the Health Department, nothing else is required on the label.

Q9. Does the label have to be on every item I sell?

Yes, the Cottage Food Law stipulates all items for sale must be labeled.

Q10. Will the health department inspect my kitchen at home?

No. The local county health department will only provide reviews of your food safety certificate and your product labels.

Q11. What if I need something from the health department to purchase a business license?

The local county health department can provide you with written confirmation that your food safety certificate and your product labels have been reviewed.

Q12. When my food safety certificate expires, will I have to retake a food safety course?

Yes, the cottage food law requires the cottage food operator to maintain food safety certification.

Q13. Is there a charge or fee for the health department to review my food safety certificate and product label?

There is no provision in the law for fees.

Q14. Can I advertise my products on social media?

The Cottage Food Law does not prohibit advertising.

Q15. Can I sell my baked goods from my home over the internet?

The Cottage Food Law specifically prohibits internet sales.

**ALABAMA DEPARTMENT OF PUBLIC HEALTH  
REVIEW OF LABEL AND FOOD SAFETY CLASS  
FOR COTTAGE FOODS PRODUCER**

Date: \_\_\_\_\_, 20\_\_\_\_

County: \_\_\_\_\_

Name of Cottage Food Producer: \_\_\_\_\_

Street Address: \_\_\_\_\_ Phone: (    ) \_\_\_\_\_ - \_\_\_\_\_

City/Town: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Products Produced: \_\_\_\_\_

- Copy of Label Included**  
(name, address, and a statement saying products are not inspected by the Health Department)
  
- Copy of Current Food Safety Course Certification**

I understand that under these provisions foods can only be produced in my primary home kitchen for direct sales to the final consumer and excludes internet sales.

Signed \_\_\_\_\_

Title \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

Reviewed By:

\_\_\_\_\_   
Local Health Department

Date \_\_\_\_\_

Review Number:

\_\_\_\_\_

Safety

Expiration Date of Food

Certificate:

\_\_\_\_\_