



COLORADO
Department of Public
Health & Environment

Cottage Foods Act

Current as of 1/19/18

The Cottage Foods Act allows limited types of food products that are non-potentially hazardous (do not require refrigeration for safety) to be sold directly to consumers without licensing or inspection.

Starting a Business

What steps do I need to take to start preparing and selling Cottage Foods?

- 1.) Review the Cottage Foods Act.
- 2.) Complete a food safety course.
- 3.) Contact your local city and county offices to see if you need a business license.

If I produce muffins, does the Act allow me to earn up to \$10,000 for each type (blueberry, banana, chocolate chip)? Yes.

What type of food safety training is required? The Cottage Foods Act requires you to complete a basic food handling course prior to selling your cottage foods. See the training opportunities below:

Basic food handling courses offered by Colorado State University Extension can be found at on the [Colorado Farm To Table](#) website.

From 2014-2016, approximately 1500 cottage food producers have successfully completed the [Food Safety Training course](#) offered by Colorado State University Extension. Participants receive a certificate of completion that is good for three years from the date of completion.

Food Handlers Card online training: <https://www.statefoodsafety.com/>

Contact your [local public health agency](#) to determine if they offer a food handling course.

Where can I find tax and business license requirements for cities/counties in Colorado? Your cottage food business is subject to income tax, and in some jurisdictions, you may need to get additional licenses or pay additional taxes.

For more information, visit the Publications section of the Department of Revenue Taxation Division at <https://www.colorado.gov/pacific/tax/fyi-publications-sales-tax>. Publications 4, 8, and 55 are great resources to understand the tax requirements for your business.

We also recommend seeking advice from an accountant or tax professional.

Do I have to register my business with the state?

Registration is not required; however you may choose to register your business with the Secretary of State.

What else do I need to know?

There are varying business license requirements specific to each jurisdiction, including county and city. Contact your local business licensing department for information.

Eligible Foods

What type of foods are eligible?

Foods that are non-potentially hazardous, or in other words, do not require refrigeration for safety.

This includes pickled fruits and vegetables with a finished equilibrium pH of 4.6 or below, spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour, and baked goods, including candies, fruit empanadas, tortillas and other similar products that do not require refrigeration for safety. Up to 250 dozen whole eggs per month may also be sold.

- Baked goods such as cream pies and pastries that contain cream cheese and or custard are not allowed.
- Salsa is not allowed.
- Canned fruits and applesauce are allowed.
- Pickled vegetables and fruits with a finished pH of 4.6 or below are allowed.
- Dehydrated produce includes freeze-dried produce.

To confirm if your product is eligible to be sold under the Act, you can contact us.

What type of shell eggs can be sold?

Chicken, quail, duck, and turkey eggs. If a producer sells more than 250 dozen shells

eggs per month, then a license is required. For chicken eggs, contact the Colorado Department of Agriculture at (303) 477-0076. For all other types of shell eggs, contact our Manufactured Food Program at (303) 692-3645, option 2.

How many eggs can a producer sell? 250 dozen per month.

What information is required on egg cartons?

The address at which the eggs originated and the packaging date. Additionally, any eggs not treated for salmonella must also include the following statement on the package:

"Safe Handling Instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook any foods containing eggs thoroughly. These eggs do not come from a government-approved source."

Can egg cartons be reused?

No. New, clean and unused egg cartons must be used.

Are eggs required to be kept cold?

Yes. Eggs should be maintained at 41°F or below.

Where can I obtain information regarding poultry?

Poultry is not eligible to be sold under the Act. There are laws that do allow a producer to raise, process, and sell whole poultry to consumers.

Ingredients

Can pumpkin, sweet potato, and zucchini be used as ingredients for baked goods?

Yes. Pumpkin, sweet potato and zucchini breads can be sold under the Act. Pumpkin or sweet potato pies are not allowed because they require refrigeration to maintain product integrity and safety.

Can whole fresh peppers be used to make pepper jelly?

No. Whole fresh peppers cannot be used to make fruit preserves, jam, or jelly. However, dried spices such as cayenne pepper, paprika, black pepper, etc. are allowed to be used to make these products.

Can I add liquor/alcohol to flavor my baked goods, confections and candies?

Yes, as long as they do not contain more than 5% alcohol by weight. The addition of

liquor/alcohol should be included in the ingredients list on the product label. Exceeding this limit would render the product ineligible to be sold under the Cottage Foods Act and subject it to the liquor laws and regulations enforced by the [Colorado Department of Revenue](#).

Can baked goods contain meat?

No. Baked goods that contain meat such as bacon are not allowed to be sold under the law.

Can raw agricultural commodities such as honey, vegetables, and fruits from a local farmer or bee keeper be used to prepare cottage foods?

Yes. Fruits and vegetables with minimal post-harvest processing to remove dirt, debris or dead leaves, and unprocessed honey can be used to make cottage food products.

Is flour considered a raw agricultural commodity?

No. The grain used to make the flour would be considered a raw agricultural product.

Can I use hemp in my cottage food products?

Hemp seeds and oil from hemp seeds from approved industrial hemp (IH) manufacturers can be used. The use of other parts of the IH plant including oil produced from this material cannot be used. The rationale is the other parts of the plant contain both cannabidiol (CBD) and tetrahydrocannabinol (THC), the seeds do not. Products that contain CBD or THC are not allowed products under the Cottage Foods Act.

Only registered and inspected food IH manufacturers are allowed to produce food products containing CBD. For more information about industrial hemp visit our [Manufactured Foods Resources](#) page.

Can I sell low sugar fruit butter, preserves, jams, and jellies under the Act?

No. Standardized recipes for these products use sugar. When sugar is added to a product a high sugar environment is created which provides for protection and inhibits the growth of harmful bacteria. Sugar substitutes or artificial sweeteners are not allowed for use in the production of cottage foods because they create a low sugar environment thus allowing the growth of harmful bacteria.

Packaging and Labeling

Do Cottage Foods have to be packaged and labeled?

Yes. All Cottage Foods should be packaged and labeled with specific information

including an exact disclaimer prior to selling them directly to the informed consumer.

Can Cottage Foods be labeled as "allergen free"?

No. All Cottage Food products must be labeled with a disclaimer stating that they were produced in a home kitchen without regulatory oversight and may also contain common allergens.

Can Cottage Foods be labeled as "organic"?

Cottage Foods labeled as "organic" have to be certified by a United States Department of Agriculture (USDA) - National Organic Program accredited certification agency. A producer may list an ingredient as "organic" without obtaining certification as long as the term "organic" is not on the primary label.

Contact the [Colorado Department of Agriculture, Plants Division](#) for additional information.

Selling

There are restrictions on how and where you can sell your Cottage Foods product(s).

- Product(s) must be delivered directly from producer to an informed end consumer and cannot be resold.
- Product(s) cannot be sold to restaurants or grocery stores.
- Product(s) may only be sold in Colorado.
- At the point of sale, clearly display a placard, sign or card with the following disclaimer: "This product was produced in a home kitchen that is not subject to state licensure or inspection. This product is not intended for resale."

What is a designated representative?

A designated representative, is a representative of the cottage food producer who is knowledgeable about the product and able to answer general consumer questions about the product.

What is an informed end consumer?

An informed consumer, is a consumer who has been provided with general product information including the product name, address where the food was prepared, current telephone number or email address of the producer, date the food was produced, ingredients, and a disclaimer that the food was prepared in a home kitchen not subject to licensure or inspection and that it may contain common food allergens. An end consumer is the person who purchases and consumes the product.

Can a producer sell their Cottage Foods product(s) at multiple locations and events, even if they occur on the same day and at the same time?

Yes. A producer or their designated representative can sell and deliver the product directly to an informed end consumer.

Can Cottage Foods be sold on the Internet?

Yes, internet sales are allowed. The mechanism of direct product delivery can be determined between the producer and the informed end consumer as long as it does not involve interstate commerce.

Can I make my cottage foods for a catered event?

No. The Cottage Foods Act requires that product be sold by the producer or their designated representative directly to the informed end consumer.

Can a retail food establishment (restaurant, mobile unit, grocery store, etc.) sell Cottage Foods?

No. Since these products are not from a licensed, inspected and regulated facility, they are not considered approved sources and therefore not allowed for sale in these types of establishments.

Can Cottage Foods be sold out of a store front or via consignment?

The law requires that Cottage Foods be sold directly to an informed end consumer from the producer or their designated representative. The store and its employees would need to function as the designated representative.

Best Practices

Standardized Recipes

Assure safe pickled fruit and vegetable products and preserves by using recipes from reputable sources, such as:

- Colorado State University Extension.
- The [National Center for Home Food Preservation](#).
- The Ball Blue Book (available online and in book stores).
- The Ball Complete Book of Home Preserving (available online and in book stores).
- Recipes reviewed by a [process authority](#).

Testing pH

The pH of your finished pickled fruits and vegetables must be 4.6 or below.

- Test the first batch of each recipe during the production season. You can do this yourself, or through a certified food laboratory.

- Review information about pH and the use and calibration of a pH meter by visiting the [University of Wisconsin extension](#) website.

Free pH Testing!

We are providing free pH testing for eligible products. Visit the [pH Testing](#) page for more information.

Record keeping

Keeping production records is a valuable business practice and should include the following:

- Name of the product.
- Recipe, including procedures and ingredients.
- Amount prepared and sold.
- Date of preparation.
- Date and location of sale.
- Gross sales receipts.
- pH test results.

Sanitation

How should I clean my work surfaces?

Clean work surfaces with soap and water, rinse them with plain water, and then spray or wipe them down with a sanitizer. A sanitizer solution can be made by mixing 1/8 teaspoon unscented, regular bleach (8.25%) with 16 ounces of water.

My home has a private water system. Can I prepare Cottage Foods there?

Yes. Consider testing private water supplies at least once a year.

If I'm ill, can I prepare food?

Never prepare food while ill. Continue when you feel better and are symptom free for at least 24 hours. Wash your hands often and never handle ready-to-eat foods with your bare hands.

pH Testing

Food safety is at the heart of the trust your friends, family, and valued customers put in your products. One of the key indicators of whether your pickling process is working as you intend is pH testing to measure the acidity of your finished product. Free equilibrium pH testing of pickled fruits and vegetables is now available to Colorado Cottage Food Producers through the Laboratory Services Division at the Colorado Department of Public Health and Environment.

Although foodborne botulism is rare, it is commonly associated with homemade

pickled fruit and vegetable products that have pH levels specifically above 4.6 because these levels create the perfect environment for harmful toxins to grow and when consumed can cause foodborne botulism. The chance of this occurring can be greatly minimized by having your pickled fruit and vegetable products tested.

Participation will validate your standardized, personal, or family recipe(s) and verify a finished equilibrium pH of 4.6 or below. A producer may submit up to five different products for free equilibrium pH testing. Results will be mailed directly to you and will confirm if your recipe is just right or prompt you to make adjustments to assure the safety of your product for your customers. Samples will be collected and processed on a first come first serve basis. Funding is limited so please take advantage of this free opportunity to show your customers how much you care.

Submit your product for pH testing

Find out how to submit your products to us for free pH testing. Refer to the table below to determine product eligibility.

Eligible for free testing	Testing not necessary	Not allowed to be sold under the act
Chutney	Compote	Barbeque sauce
Kimchi	Conserves	Canned/stewed fruits (packed in water)
Pickled fruits	Marmalade	
Pickled vegetables		Canned/stewed vegetables (packed in water)
Pickles		
Relish		Hot sauce
Sauerkraut		Juice
Vinegar (fruit/vegetable)		Ketchup
		Kombucha
		Mustard
		Paste
		Salad dressing
		Salsa
		Sauce (i.e., pizza, pasta, chili)
		Spread