



AB 1616 – COTTAGE FOOD OPERATIONS

FREQUENTLY ASKED QUESTIONS

1. When did this law go into effect?

Assembly Bill 1616 – Cottage Food Operations was signed into law on September 21, 2012. The law took effect January 1, 2013.

2. What is a Cottage Food Operation (CFO)?

A CFO is an enterprise at a private home where low-risk food products are prepared or packaged for sale to consumers.

3. What is meant by “private home”?

“Private home” means a dwelling, including an apartment or other leased space, where individuals reside.

4. Are there limitations on the size of CFOs sales?

Yes. A CFO is restricted to the following gross annual sales amounts:

- ☐ \$35,000 or less in gross sales in 2013
- ☐ \$45,000 or less in gross sales in 2014
- ☐ \$50,000 or less in gross sales in 2015 and beyond

5. Can a CFO have employees?

A CFO can have one full-time equivalent employee (not counting family members or household members).

6. What cottage food categories are permitted at a CFO?

Only foods that are defined as “non-potentially hazardous” are approved for preparation by CFOs. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their website and will implement a process by which new foods can be added or removed from the list. Click the link below to view the list of approved foods:

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/CottageFoodOperations.aspx>

7. What are the two classifications of CFOs?

“**Class A**” CFOs are only allowed to engage in “**direct sales**” of cottage food.

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

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 or food swaps, transactions at farm stands, certified farmers’ markets, or through community-supported agriculture subscriptions.

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. 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. Do I need any special training or certification to prepare cottage foods?

A person who prepares or packages cottage food products must obtain Food Worker certification from the County of San Bernardino within three months of being registered or permitted. Online training must be taken at the following website: <https://www.statefoodsafety.com/food-handler/california/san-bernardino-county>

11. Does a CFO need a permit to operate?

- ☐ **Planning/Zoning:** All CFOs need to obtain approval from their local city or county planning department. Depending on the jurisdiction, a CFO may obtain either a Home Occupation Permit, or an Exemption Letter from San Bernardino County Land Use Services. The Cottage Food Bill gives planning departments several options to consider, so planning department requirements may vary between jurisdictions.
- ☐ **Environmental Health:**
For “**Class A**” CFOs (direct sale only), **registration** with DEHS and submission of a completed “Self-Certification Checklist” is required.
For “**Class B**” CFOs (direct and indirect sales), a **health permit** from DEHS is required.
- ☐ Both Class A and B will require proof of residency via driver's license, or utility bill, etc.

12. Is my CFO transferable?

Registration and permits are not transferrable between persons, locations, types of food sold, or types of distributions.

13. How much will the registration or permit cost the CFO?

"Class A" CFO registration is currently \$184.00

"Class B" CFO permit is currently \$251.00.

14. How often will a CFO be inspected?

- ☐ **"Class A"** CFO kitchens and food storage areas (referenced in the law as the "registered or permitted area") are not subject to initial or routine inspections.
- ☐ **"Class B"** CFO kitchens and food storage areas are inspected initially prior to permit issuance, and then annually thereafter.
- ☐ **Class A and B (Other Inspections)** The local environmental health agency may access, for inspection purposes, the registered or permitted location where the cottage food operation takes place only if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation or that the cottage food operation is found to be in violation of California food safety laws on cottage food operations.

15. What are the CFOs operational requirements?

All CFOs must comply with the following:

- A person with a contagious illness shall refrain from working
- Proper hand-washing shall be completed prior to any food preparation or packaging
- Water used in the preparation of cottage food products must be potable. This includes:
 - Washing, rinsing, and sanitizing equipment used in food preparation.
 - Washing and sanitizing hands and arms.
 - Water used as an ingredient of cottage food.
- No domestic activity in kitchen during cottage food preparation
- No infants, small children, or pets in kitchen during cottage food preparation
- Kitchen equipment and utensils kept clean and in good repair
- All food contact surfaces and utensils washed, rinsed, and sanitized before each use
- All food preparation and storage areas free of rodents and insects
- No smoking in kitchen area during preparation or processing of cottage food

16. Can a CFO sell cottage food outside the operator's county of residence?

CFOs can **only** sell cottage food outside their county of residence when the local environmental health agency of the outside county allows it.

17. Can I press apples and sell apple cider?

NO. There are no beverages included in the list of food products allowed to be produced in CFOs, so pressing apples to make and sell apple cider is not allowed under your CFO registration or permit.

18. What are my food labeling requirements?

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” or “Repackaged in a Home Kitchen” in 12-point type
- The name commonly used for the food product or an adequately descriptive name
- The business name of the CFO which produced the cottage food product
- The registration or permit number of the “Class A” or “Class B” CFO, respectively, which produced the cottage food product.
- Name of the county issuing the registration and health permit.
- Ingredients (must include sub-ingredients), in predominance of weight.
- Contains any of the 9 Food Allergens, such as, milk, eggs, tree nuts, wheat, peanuts, soybeans, etc.
- Net Weight
- Address of where the cottage food operation takes place.

In a permitted retail food facility, cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board or other easily accessible/visible location.