

**Supporting Education in  
Environmental Health:  
Alabama Environmental  
Health Association  
Summer Meeting**

**Satellite Conference and Live Webcast  
Tuesday, August 12, 2014  
9:00 a.m. – 12:00 p.m. Central Time**

Produced by the Alabama Department of Public Health  
Video Communications and Distance Learning Division

**Alabama  
Cottage Food Law**

Effective Date: June 1, 2014

**Faculty**

**Phyllis Fenn, BS  
Standardization Officer  
Alabama Department of Public Health**

**Objectives**

- Review of Cottage Food Law definitions
- Describe Cottage Food operator's responsibility
- Describe Health Department's role
- Discuss FAQ's

**Definitions**

- Cottage Food Production Operation –  
Is not:
  - A food service establishment
  - Required to have a food service permit
  - Inspected by the Health Department

**Definitions**

- Cottage Food Production Operation –  
A person operating out of his or her home who meets all of the following requirements:
  - Produces a baked good, a canned jam or jelly, or a dried herb or herb mix or a candy

**Definitions**

- Has an annual gross income of twenty thousand dollars (\$20,000) or less from the sale of food
- Sells the foods produced only directly to consumers

### **Definitions**

- **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**

### **Definitions**

- **Department - The State Department of Health**
- **Home - A primary residence that contains a kitchen and appliances for common residential use**

### **Cottage Food Operator's Responsibility**

- **Complete a Review Form for their Cottage Food Operation with the local County Health Department**
- **Maintain certification of having attended and passed a food safety course**

### **Cottage Food Operator's Responsibility**

- **Label all foods the operation sells**
- **Sale of food may not exceed annual gross income of \$20,000**
- **Cottage Food Operation may not sell food over the Internet**

### **Cottage Food Operator's Responsibility** Acceptable Food Safety Courses

- **A food handler course offered by nationally accredited programs, such as ServSafe, National Registry, etc.**
- **Food Safety courses offered by the Alabama Cooperative Extension Service developed specifically for cottage food operations**

### **Cottage Food Operator's Responsibility** Label Requirements

- **Name and address of the cottage food production operation**
- **A statement that the food is not inspected by the health department**

### **Health Department's Responsibility**

- **The Cottage Food Law states:**
  - 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

### **Health Department's Responsibility**

- **This means the health department will not inspect home kitchens**
- **This means the health department will not issue permits to CFPO**
  - The department may issue a stop sale, seize, or hold order for any food suspected of being the cause of a food borne illness

### **Health Department's Responsibility**

- **The Cottage Food Law states:**
  - The department shall promulgate rules requiring a cottage food production operation to label all food that the operation sells to consumers, and requiring completion of a food safety course

#### **Review Process**

### **Health Department's Responsibility**

- **Review Form - Review Process**
  - Review sample label
  - Review copy of food safety certificate
  - Review products produced
  - No internet sales statement above signature line
  - Operator's signature

### **Health Department's Responsibility**

- **Review Form - Review Process**
  - Environmentalist signature and date
  - Assign a review number
  - Date of expiration
    - When the food safety certificate expires
  - Provide a copy of the Form to the CFPO
  - File

### **Frequently Asked Questions**

- **Is the "Food Handler's" course (3 year renewal) sufficient, or must the operator take the "Food Manager's" Course (5 year renewal)?**
  - **Answer: The Food Handler's course is sufficient**

### **Frequently Asked Questions**

- Can a “helper” such as a child or spouse have the credential as long as they also live in the house?
- Will we handle these operators like our permitted facilities in that if they attend the course and do not pass, will we give them a “one year” registration?

### **Frequently Asked Questions**

- Answer: “The Cottage Food Law specifies the Operator of a cottage food production operation shall maintain certification of having attended and passed a food safety course approved by the department.” We are interpreting this literally. The operator must take and pass the food safety class.

### **Frequently Asked Questions**

- Will the Health Department have a database to keep up with these operations state - wide and or county - wide so that we can inform the operators when the registration is due for renewal?
  - Or at the very least keep up with how big this group will become?

### **Frequently Asked Questions**

- Answer: It will not be the responsibility of the Health Department to inform a cottage food operator when their registration is due for renewal
- Maintaining certification is the responsibility of the operator

### **Frequently Asked Questions**

- At this time a statewide database of cottage food production operators has not been developed
  - Each county should maintain a list of registered cottage food production operators

### **Frequently Asked Questions**

- Can a Cottage Food operator advertise their products on social media?
  - Answer: The Cottage Food Law does not prohibit advertising

### **Frequently Asked Questions**

- **Can a Cottage Food operator deliver their products to their customers?**

– **Answer: Yes**

### **Frequently Asked Questions**

- **Under the definition of “Baked Good” it specifies “items that are prepared by baking the item in an oven”. What about “Fried fruit pies”?**

– **Answer: The cottage food law makes no provisions for fried foods; only items baked in an oven, jams, jellies, dried herbs, and candy**

### **Contact Information**

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