



COLORADO

Division of Environmental Health & Sustainability

Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Colorado Cottage Foods Act: Simple Facts

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Can I sell my cottage foods to restaurants or grocery stores?

No. Cottage food producers are not allowed to sell their products to local restaurants or grocery stores.

These types of sales are considered “wholesale” and are not allowed under the law. Cottage food producers must sell their products directly to the consumer/end-user.

In 2012, the Colorado Legislature enacted Senate Bill 12-048, allowing individuals to sell certain types of cottage food products produced in an unlicensed home kitchen. This law was modified during the 2013 legislative session by House Bill 13-1158 and again in 2015 by House Bill 15-1102 and Senate Bill 15-085. Copies of the bills and law can be found at:

www.colorado.gov/cdphe/cottage-foods-act



Cottage food operations are not required to obtain a license or permit, nor are they inspected by the Division of Environmental Health & Sustainability (DEHS).

Net sales for each product produced cannot exceed \$10,000 annually. Allowable products are listed on page 2. Sales by consignment or to retail food or wholesale food establishments are prohibited.

Cottage food products must be labeled as outlined in Section 25-4-1614(3)(a) CRS.

See label requirements on page 3.

Eggs must be handled and labeled in accordance with the requirements outlined in Section 35-21-105 CRS.

Again, see label requirements on page 3.

Rules and regulations are being developed to allow for the production of pickled vegetables. Until these rules are developed, the production of these products is not allowed.



Cottage food complaints: Know the rules

DEHS or your local public health agency may investigate complaints received concerning cottage food operations. If your cottage food operation is the subject of a complaint, DEHS or local public health representatives may

contact you to conduct an evaluation of your operation.

If you produce foods that are not allowed under the *Colorado Cottage Foods Act*, you would minimally need to immediately cease the production and distribution of the disallowed product.

If you have any questions regarding the production of a particular cottage food product please contact the Division of Environmental Health & Sustainability at (303) 692-3645.

You can also contact your local health department or government to ensure you meet any business license requirements they may have.

What types of Cottage Foods can I produce?

As a cottage food producer, you are allowed to prepare certain food items which are considered non-potentially hazardous. An exception to this is whole eggs; however, the number sold cannot exceed 250 dozen per month.

To the right, a list of acceptable cottage food products is provided.



What about a list of not allowed food products?

Unless the product is of the type mentioned, it is NOT permissible to be sold under the Cottage Foods Act. If you have any questions regarding the production of a particular cottage food product, please contact the Division of Environmental Health and Sustainability at (303) 692-3645 or visit www.colorado.gov/cdphe/cottage-foods-act

What about canned or pickled vegetables?

These products will be allowed in the future. Rules and regulations are being developed by DEHS along with stakeholders and community members. Until these regulations are developed, production of these products is not allowed.



Acceptable Cottage Food Products

Whole Eggs
Spices
Teas
Dehydrated Produce
Nuts
Seeds
Honey
Jams, Jellies and Preserves
Fruit Butter
Flour
Fruit Empanadas
Tortillas
Candies
Certain Baked Goods



Did you know?

Raw, uncut produce can be sold in Colorado without licensing or registration. The FDA's Good Agriculture Practices is a good resource for safe practices to assure produce is safe for consumption.

www.fda.gov/food/resourcesforyou/consumers/ucm114299



Frequently Asked Questions

Question: How do I sell my cottage food products?

Answer: You may sell your products directly to the consumer in locations such as your residence, roadside stand, farmers' market, community supported agriculture organization, or other similar venue.

Question: Am I able to deliver my cottage food products?

Answer: Yes, you may deliver your cottage food products directly to the consumer.

Question: Do I need a permit or license for my cottage food operation?

Answer: No, you do not need a state permit or license for your cottage food operation. However, you should check with your city or county for any other requirements or recommendations they may have.

Question: Is there any limit to how much I can earn from my cottage food operation?

Answer: Yes, cottage food producers are limited to \$10,000 in net sales per product each year. It is the producers responsibility to comply with applicable laws, rules and regulations regarding the collection of sales tax.

Labeling Requirements for Cottage Foods

The cottage food law requires specific labeling for the sale of these food products.

A cottage food operation may only sell products which are offered with a label containing the following information (printed in English):

- The identification of the cottage food product;
- The producer's name and the address at which the cottage food was produced;
- The producer's current phone number or email

- The date on which the food was produced;
- A complete list of ingredients; and
- The following statement:

“This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale.”

See the labeling example below for guidance.



Can I Make Salsas or Barbecue Sauce?

No. Production of low-acid foods by retort, canning or “acidifying” is not allowed by a cottage food producer. These types of products must be commercially processed and are subject to federal and state regulations and licensing requirements.

Chocolate Chip Cookie

Joe Baker
123 Safe Food Ave.
Anywhere, CO 12345
(303) 555-1234
jbbaker@cookie.com

Manufacture date: March 15, 2012

Ingredients: Enriched flour (wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liqueur, cocoa butter, butterfat (milk), soy lecithin as an emulsifier), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.

DISCLAIMER: This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale.

Selling of Eggs



Eggs can be sold directly from the person's own premises, roadside stand, farmers' market, community supported agricultural organization, or any similar venue without health

department licensing or inspection.

The number of eggs sold is limited to 250 dozen per month and must be handled in accordance with the requirements of Section 35-21-105, C.R.S.

The label on the egg package must contain the address at which the eggs originated, the date of packaging as well as the statement, “These eggs

do not come from a government-approved source.”

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.”

Please refer to the Colorado Department of Agriculture's website for more information:

www.colorado.gov/pacific/aginspection/egg-producers

Terms and Definitions

Home - Means a primary residence occupied by the producer producing the food allowed by the Colorado Cottage Foods Act.

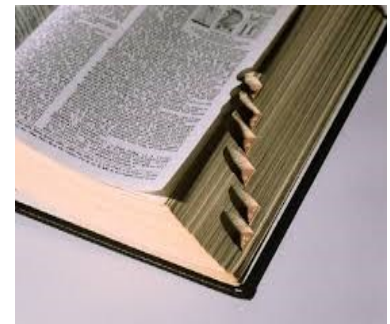
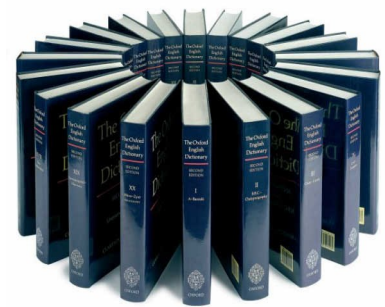
Non-potentially hazardous - Means any food or beverage that, when stored under normal conditions without refrigeration, will not support the rapid and progressive growth of microorganisms that cause food infections or food intoxications. Does not include low-acid or acidified foods.

Producer - means a person who prepares non-potentially hazardous foods in a home kitchen or similar venue for sale directly to consumers pursuant to this section. A producer may only be:

- (I) An individual who is a resident of Colorado; or
- (II) A limited liability company formed in Colorado consisting of two or fewer members, and of which all members are residents of Colorado.

Tier one foods - are limited to spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour, and baked goods, including candies, fruit empanada and, tortillas.

Tier two foods - are limited to pickled vegetables that have an equilibrium pH value of 4.6 or lower.



Cottage Food operations requires training

The Colorado Cottage Foods Act requires producers to take a food safety course that includes basic food handling training and is comparable to, or is a course given by, the Colorado State University Extension Service or a state, county, or district public health agency, and must maintain a status of good standing in accordance with the course requirements, including attending any additional classes if necessary.

Safe food handling courses should include topics on safe food sources, personal hygiene, sanitation of equipment, worker illness, food temperature control, safe water, sewage disposal, pest control, proper hand washing, and control of toxics.

Contact the CSU Extension Service or your local public health agency, who may offer this training.

Additional cottage food materials are posted on the Colorado Farm to Market website at:

<http://cofarmtomarket.com/>



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