

## COTTAGE FOOD REVIEW PROTOCOL

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### **BACKGROUND:**

SB 160 became effective in August 2021, and replaces the previous version of the cottage food bill. This bill allows the preparation of some foods to be prepared at a private home and sold under specific conditions:

- Eligible cottage foods are defined as baked goods, jellies/jams, candy, dried herbs/herb mixes; dried fruits & vegetables, ground coffee, fermented fruits & vegetables provided the production of alcohol does not occur.
- Any foods that meet the definition of TCS/PHF is explicitly excluded
- Foods must be labeled with: (minimum 10 pt font)
  - The common name of the food
  - Name and address of the cottage food entity
  - Disclaimer that foods are not inspected by the health department
- Foods must be prepared in the home
- Foods must be sold directly to the consumer
  - Wholesale to restaurants, shops, etc. for use or resale is inferred as prohibited.
- The cottage food entity must have approved food safety training
  - Jefferson County accepts online certificates and cards for Foodhandler Training, ServSafe, and ACES Cottage Food Certification (ACES is the recommended training)
- The cottage food entity is required to register with the local health department

### ***Registration with JCDH***

1. The cottage food entity will complete the attached form and submit it with the listed information (sample label, proof of food safety training and a listing of foods meeting the definition of cottage food as described in the law).
2. JCDH FLP staff (Program Manager or Supervisor) will review the documents, and finding them in accordance with the requirements, sign the form indicating review
  - Should the submission not be in compliance, the reviewer will notify, in writing, the reason the registration cannot be accepted and request amendments
3. The completed registration form will be assigned an identifier by JCDH FLP administrative staff. This number and all pertinent information will be entered into a database or record keeping system, and the hard copy will be placed into cottage food file to be maintained by admin staff
4. The registrant will be notified in writing of the approved registration with a letter and a copy of the signed registration form

### ***Renewals***

5. Upon expiration of the food safety certification, it will be the responsibility of the registrant to notify JCDH of the renewed/current certification. A copy of the updated document must be submitted with a new registration form and label example, and will retain the same identifying number, with the information updated in the database/record keeping system

## ALABAMA DEPARTMENT OF PUBLIC HEALTH REGISTRATION FOR COTTAGE FOODS PRODUCER

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

County: JEFFERSON

Name of Applicant: \_\_\_\_\_

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

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

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

**Copy of Current Food Safety Course Certification**

**Copy of Label Included**

**at least 10 pt. font, must include:**

- **common name of product,**
- **name & address of producer,**
- **list of ingredients, in descending order of prominence; include a disclaimer that the food may contain allergens, and**
- **statement that products are not inspected by the Health Department**

I hereby certify that the above statements are true and correct, and I (we) agree to comply with all of the provisions of the State Board of Health Rules. I further understand that under these provisions foods can only be produced in my primary home kitchen for direct sales to the final consumer from my home.

Signed \_\_\_\_\_

Title \_\_\_\_\_

### FOR OFFICIAL USE ONLY

Approved By:

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

Date \_\_\_\_\_

Registration Number Issued:

\_\_\_\_\_

Expiration Date:

\_\_\_\_\_

SB160  
208265-2  
By Senators Allen and McClendon  
RFD: Healthcare  
First Read: 02-FEB-21

208265-2:n:11/12/2020:AHP/bm LSA2020-1988R1

*SYNOPSIS: Existing law provides that in-home cottage food production of baked goods, jams, jellies, candies, and dried herb and herb mixes are excluded from regulation by the State Department of Health and county health departments, as well as the requirement to have a food service permit.*

*Existing law also prohibits online in-person, and phone sales by cottage food production operations.*

*This bill would allow online, in-person, and phone sales by cottage food production operations, as well as delivery directly to consumers in person, by mail, or through an agent of the producer.*

*Existing law also places a \$20,000 cap on gross receipts by cottage food production operations. This bill would remove the \$20,000 cap on gross receipts by cottage food production operations.*

*This bill would also require cottage food production operations to label each product sold with a list of the ingredients contained in the product, as well as a disclaimer if the product contains or may contain allergens.*

A BILL  
TO BE ENTITLED  
AN ACT

Relating to cottage food production operations; to amend Section 22-20-5.1, Code of Alabama 1975; to allow various methods of sales by cottage food production operations; to remove the existing cap on gross receipts by cottage food production operations; and to require cottage food production operations to include certain nutrition information on the label of each product offered for sale.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-20-5.1, Code of Alabama 1975, is amended to read as follows:  
22-20-5.1.

(a) For purposes of this section, the following words have the following meanings:

(1) COTTAGE FOOD. D. A non-potentially hazardous food that has been prepared in a person's home that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation and that does not include meat, poultry, or fish, including the following:

- a. Cakes, breads, Danish pastries, donuts, pastries, and pies.
- b. Jam, jellies, and fruit preserves.
- c. Candy.
- d. Dried and dehydrated herbs, herb mixes, vegetables, or fruits
- e. Roasted coffee.
- f. Dried baking mixes.
- g. Fermented or preserved vegetables or fruit that do not result in the

production of alcohol and that have an acidity level allowed by the department.

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

- a. Produces a cottage food for sale at the person's home.
- b. Sells the foods produced under paragraph a. only directly to consumers, whether in-person, by phone, or online in the state.
- c. Delivers the foods produced under paragraph a. directly to consumers in the state, whether in person, through an agent of the producer, or by mail.

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

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

(5) NON-POTENTIALLY HAZARDOUS. A food that does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

(b) 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.

(c) 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 section.

(d) The department may issue a stop sale, seize, or hold order for any food suspected of being

the cause of a foodborne illness.

(e) A cottage food production operation shall label cottage foods that the operation sells to consumers, and requiring completion of shall complete a food safety course approved by the department. The label shall include in at least size 10-point font the common or usual name of the food, the name, and home or P.O. Box address of the cottage food production operation, and a statement that the food is not inspected by the department or local health department. The label shall also contain a list of the ingredients in the food in descending order of predominance and shall include a disclaimer that the food may contain allergens. The operator of a cottage food production operation, shall maintain certification of having attended and passed a food safety course approved by the department.

**Section 2.** 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.

**Statutes affected:**

Introduced: 22-20-5