ALABAMA COTTAGE FOOD LAW

Background

Alabama Bill SB160 allows the preparation of some foods at a private home and sold under specific conditions:

- Eligible cottage foods are baked goods, jellies/jams, candy, dried herbs/herb mixes, dried fruits/ vegetables, roasted coffee, and fermented fruits/ vegetables—provided alcohol production does not occur and the product has a pH allowed by the Health Department.
- Any foods that require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation are explicitly excluded.
- Foods must be labeled with (min. 10pt font):
    - Common name of product;
    - Name and address of producer;
    - List of ingredients, in descending order of predominance;
    - Statement that the products are not inspected by the Health Department; and
    - Disclaimer that the product may contain allergens.
- Foods must be prepared in the home (primary residence).
- 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 obtain and maintain certification from an approved food safety training course.
    - Jefferson County accepts food safety certification from JCDH, Alabama Cooperative Extension System (ACES) Cottage Food Certification, or any American National Standards Institute (ANSI) accredited program.
    - *ACES Cottage Food Course is the recommended training.*
- The cottage food entity is required to register with the local health department.

Registration

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 list of foods to be produced that meet the definition of cottage food as described in the law).
2. JCDH Food and Lodging Protection (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 the registrant why the registration cannot be accepted and request amendments.
3. JCDH FLP administrative staff will assign the completed registration form an identifier. This number and all pertinent information will be entered into a database or record-keeping system, and the hard copy will be placed in the cottage food file to be maintained by the Administrative Staff.
4. The registrant will be notified in writing of the approved registration with a letter and a copy of the signed registration form.

Renewal

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

Jefferson County Department of Health
Food & Lodging Protection Division
1400 6th Ave South
Birmingham, AL 35233
Office (205) 930-1260 Fax (205) 939-3019
food.lodging@jcdh.org

Date _____ **County** **Jefferson**

Name of Applicant _____

Home Address _____ **Phone** _____

City _____ **State** **AL** **Zip Code** _____

Email Address _____

Products Produced _____

_____

- ☐ Current Food Safety Course Certification
- ☐ Label(s) (at least 10pt font). Must Include:
  - Common name of product
  - Name and address of producer
  - List of ingredients and sub-ingredients in descending order of predominance
  - Statement that products are not inspected by the Health Department
  - Disclaimer that the product may contain allergens

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.

_____
Signature

_____
Title

FOR OFFICIAL USE ONLY

_____ _____
Approved By Date

_____ _____
Registration Number Issued Expiration Date

SAMPLE PRODUCT LABEL

Sweet Mama's Cottage Bakery

Sweet Mama's
1234 Gilmore Street
Sweet Town, AL 12345

Name and address of the producer

Mama's Peanut Butter Cookies

Common name of product

Ingredients:
All-Purpose Flour (Bleached Wheat Flour, Niacin, Reduced Iron, Thiamine Mononitrate, Riboflavin, Folic Acid, Enzyme), **Peanut Butter** (Roasted Peanuts, Sugar, Hydrogenated Vegetable Oils [Rapeseed and Soybean], Salt, Molasses), **Granulated Sugar**.

Ingredients (bolded) and sub-ingredients (plain text) list in descending order

This product is not inspected by the health department.
This product may contain allergens.

Statement about inspection and allergen statement

Common Mistake

❌ **Incorrect**

Ingredients:
Flour, Peanut Butter, Sugar

Remember: If an ingredient comes from a package, applicants should look at the package label and include its ingredient list in parentheses after the ingredient name.

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 to 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

Alabama Cottage Food Law

Basic Rules and Regulations

► The Alabama Cottage Food Law went into effect in 2014 and was revised in 2021. The law states that individuals can produce certain nonhazardous foods in their homes. The new law defines a cottage food as a nonpotentially hazardous food that has been prepared in a person's home and that does not require time or temperature control for safety. The law excludes products that use meat, poultry, or fish. The law does not address products for pets (i.e., dog food, dog treats), medical/health supplements for humans or pets (i.e., tinctures, pills), or products that contain more than 3 percent alcohol.

Foods that can be sold directly to the consumer:

- Candies
- Jams, jellies, fruit preserves, marmalades
- Baked goods: cakes, cookies, pastries, doughnuts, breads, pies, cheese straws
- Candied or roasted nuts
- Popcorn (candied, coated, flavored)
- Roasted coffee
- Dried baking mixes

Examples of foods that can be sold directly to the consumer with a safe water activity of less than 0.88 or pH level less than 4.2 as defined by the Alabama Department of Public Health (ADPH):

- Dried and dehydrated herbs, herb mixes, vegetables or fruits
- Fermented or preserved vegetables or fruits that do not result in the production of alcohol (i.e., pickled fruits and vegetables, salsas, sauerkraut)
- Fruit butters
- Barbeque sauce
- Infused vinegars containing generally recognized as safe (GRAS) ingredients

Note: Water activity and pH testing can be performed by an approved lab or a processing authority for a fee. Some foods, such as syrups, may need further evaluation on a case-by-case basis as determined by the ADPH.

Foods that cannot be sold directly to the consumer:

- Baked goods with a component that requires refrigeration (i.e., custard pies, cakes with a whipped topping, cheesecakes, raw cookie dough.)



- Garlic in oil mixtures
- Meats in any form
- Milk products (i.e., soft or hard cheeses, cheese sticks, frozen milk desserts)
- Vegetable pizzas
- Kombucha

The Cottage Food Law requires the following on labels in a minimum 10-point font:

- Name of the individual or business
- Physical address or post office box of the individual or business
- Common name of the food
- Statements: This product may contain allergens. This food is not inspected by the Health Department.
- List of ingredients: Ingredients and sub-ingredients must be listed in descending order of predominance by weight.

Note: Every package must have a label. Health claims fall under Food and Drug Administration (FDA) regulations and are not covered under the Cottage Food Law.

Recommended Labeling

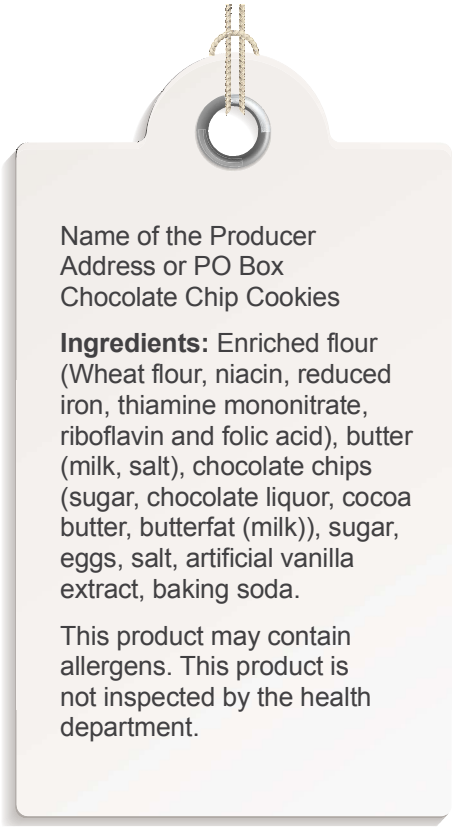
- Name of the product in bold print.
- Contains statement to include a list of any of the nine major allergens recognized by the United States that are in your product: wheat, soy, eggs, milk, peanuts, tree nuts (include type of nut), fish (type of fish), crustacean shellfish (type of fish), or sesame. Example: Contains: Milk, Eggs, Peanuts
- Weight of the product or volume. Example weight: 1 lb. 3 oz. Example volume: 8 fl.oz.

Selling Requirement

Cottage food cannot be sold to permitted facilities such as restaurants and grocery stores or to novelty shops for resale. Producers must sell directly to consumers within the state whether in person, by phone, or online. However, delivery options have changed. The new law allows delivery of products within the state by mail, through an agent of the producer, or directly to the consumer.

Training Requirement

A person operating a food business under the Cottage Food Law must attend and pass a food safety course approved by the Alabama Department of Public Health.



An approved course is the one taught by Alabama Extension or any American National Standards Institute (ANSI) accredited food safety program. Current certification must be maintained.

Business Requirements

Producers must register their business with the county health department environmentalist's office. Labels must be approved by the county health department. Water activity and pH test results, if required, must be submitted to the county health department for review. A business license may be required by your local municipality (city or county). Additionally, there may be laws or restrictions that prohibit someone from conducting a cottage food business from their home (i.e., zoning laws, rental agreements.) There is no longer a limit to gross sales.

Revised by **Christy Mendoza**, *Regional Extension Agent*, Food Safety and Quality, Auburn University. Previously edited by **Alice Moore**, *Regional Extension Agent*, Food Safety and Quality, Auburn University. Written by **Jean Weese**, former *Extension Food Safety Specialist*, Auburn University.

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