



# Cottage Foods, Food Freedom 2021

Last Updated: March 03, 2021

---

## Cottage Foods, Food Freedom

NEHA has been able to identify 43 bills in the 2021-2022 state legislative sessions that relate to cottage foods – that is, bills that relax or eliminate food safety requirements for retail foods.

Certain bills seek to reform prior legislative efforts to exempt foods, to limit the types of retail establishments or food producers that may be exempted from food safety oversight. But most seek the opposite, to expand the range of food producers and retail establishments that may sell food exempt from any governmental oversight.

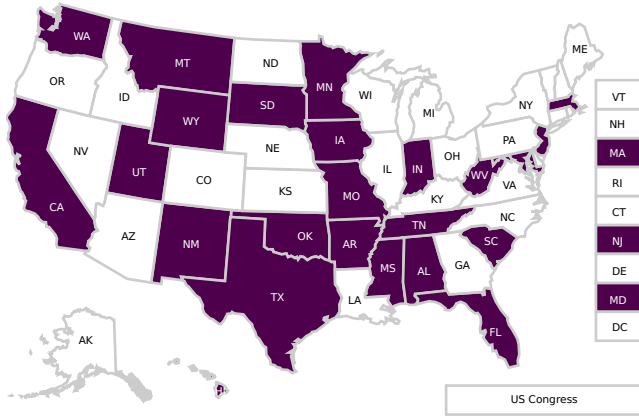
Several states introduced legislation regarding food freedom, meaning freedom from state food safety oversight. Arkansas is seeking to enact SB 248 which will create the Food Freedom Act, exempting homemade food or drink products from licensure, certification and inspection requirements. Minnesota's HB 433 Food Freedom Act exempts homemade food sellers and preempts the local food safety ordinances from applying to homemade food sellers.

Mississippi Food Freedom Act HB 588 sought to allow on-farm sales of homemade food products, but failed. Oklahoma SB 833 Food Freedom Act seeks to exempt homemade foods from state licensure, permitting, inspection, packaging and labeling requirements. Tennessee's HB 813 and SB 693 seek to recognize the right of individuals to produce, procure, and consume homemade foods of their choice free from unnecessary and anticompetitive regulations. The sponsors claim it will foster small businesses, innovation, and economic growth. Wyoming continues to expand its food freedom law. HB 118 will include eggs into the state's food freedom exemptions.

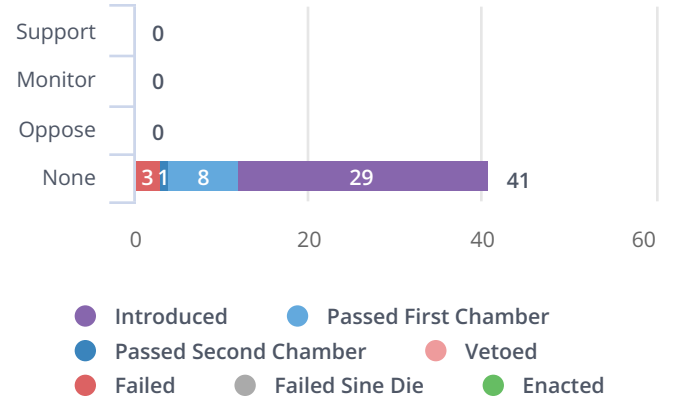
Arkansas HB 1118 will expand the state's cottage food law. This bill provides that cottage food sales through the internet are exempt from the definition of food service establishment. Indiana's HB 1103, SB 185 Home Based Vendors Act allows for such foods to be sold via the internet and delivered by a third party to the end consumer. Montana's SB 199 permits certain homemade food producers from food licensure, permitting, certification, packaging, labeling and inspection regulations. It will also allow the sale of raw milk and suspend state meat inspection.

Missouri's HB 357 allows cottage food production operations to sell food over the internet. SB 235 will permit the sale of raw milk or cream. Maryland's HB 1077 provides an exemption from a food establishment license for operators of open-air food markets.

## Bills by State



## Bills by Last Status and Position



## Bills by Issue

### Food (41)

State	Bill Number	Status	FN Outlook
AL	HB 12	In House	25.0% 92.7%

#### Title

Cottage food production operations, baked goods and roasted coffees, exempt from obtaining food service permit from health department, labeling of baked goods, other food items, food safety course required, Sec. 22-20-5.1 am'd.

State	Bill Number	Status	FN Outlook
AL	SB 160	In House	26.2% 62.1%

#### Title

Cottage food production operations, allow online sales, remove gross receipts cap, require certain nutrition information to be included on product labels, Sec. 22-20-5.1 am'd.

State	Bill Number	Status	FN Outlook
AR	HB 1118	Passed Senate	96.3% 83.1%

#### Title

HB1118 - TO PROVIDE THAT SALES BY A COTTAGE FOOD PRODUCTION OPERATION THROUGH THE INTERNET ARE EXEMPT FROM THE DEFINITION OF "FOOD SERVICE ESTABLISHMENT"; AND TO DECLARE AN EMERGENCY.

State

AR

Bill Number

SB 248

Status

In Senate

FN Outlook

21.2%

73.6%

**Title**

SB248 - TO CREATE THE FOOD FREEDOM ACT; AND TO EXEMPT CERTAIN PRODUCERS OF HOMEMADE FOOD OR DRINK PRODUCTS FROM LICENSURE, CERTIFICATION, AND INSPECTION.

**Title**

Cottage food operations.

**Description**

AB 1144, as introduced, Robert Rivas. Cottage food operations. Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, as defined, and requires local health agencies to enforce these provisions. The code defines “cottage food operation” to mean an enterprise that does not have more than one full-time employee within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers, and prohibits the operation from having more than \$50,000 in gross annual sales in the calendar year. Existing law requires a “Class A” cottage food operation to register with the local enforcement agency in accordance with specified provisions, and to renew its registration annually. Existing law requires a “Class B” cottage food operation to obtain a permit from the local enforcement agency, as specified, and authorizes the operation to engage in the indirect sales of cottage food products within the county in which the operation is permitted. Existing law requires a registration or permit to be valid only for the person, location, type of food sales, and distribution activity specified by that registration or permit, and requires an operation to properly label all cottage food products with the operator’s name and registration or permit number, among other things. A person who violates any provision of the code is guilty of a misdemeanor, except as otherwise provided, and violations of the California Retail Food Code are enforced by local health officers. This bill would, among other things, increase the maximum gross annual sales amount to \$100,000, and would require that amount to be annually adjusted for inflation based on the California Consumer Price Index. The bill would also require a “Class B” operation to renew its permit annually, and would authorize a “Class B” operation to engage in indirect sales of cottage food products throughout the state. The bill would delete type of food sales and distribution activity from the list of limitations for which a registration or permit is valid. The bill would prohibit the local enforcement agency from requiring a cottage food operation to submit for review more than one sample product label per food category, as specified, and would authorize the operation to sell any cottage food products within a food category that has an approved sample product label from therein. The bill would additionally require the operation to include on the cottage food product label, the phone number and email address of the cotta... (click bill link to see more).

State	Bill Number	Status	FN Outlook	
FL	HB 663	In House	14.3%	87.0%

**Title**  
Cottage Food Operations

**Description**  
Increases annual gross sales limitation for exempting cottage food operations from food & building permitting requirements; authorizes sale, offer for sale, & delivery of cottage food products by mail; preempts regulation of cottage food operations to state; prohibits local governments from prohibiting or regulating cottage food operations.

State	Bill Number	Status	FN Outlook	
HI	SB 1248	In Senate	3.4%	75.2%

**Title**  
Relating To Agricultural Enterprises.

**Description**  
Authorizes the department of agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure on any lands under the jurisdiction of the department, to support and promote agriculture. Establishes the agricultural enterprise program. Establishes the agricultural enterprise special fund. Requires the board of agriculture to annually report an accounting of non-agricultural park lessees to the legislature. (SD1)

State	Bill Number	Status	FN Outlook	
IA	HF 319	In House	5.7%	79.8%

**Title**  
A bill for an act relating to homemade food derived from a commodity produced, processed, prepared, offered for sale, or sold on a farm, including by providing for exemptions from certain regulations.

State	Bill Number	Status	FN Outlook	
IN	HB 1103	In Senate	97.9%	76.7%

**Title**

Home based vendors.

**Description**

Beginning January 1, 2022, allows a home based vendor's food products to be: (1) sold in person or by telephone or the Internet; and (2) delivered by the vendor or a third party carrier to the end consumer. Requires the state department of health, the Indiana state board of animal health, and the Indiana state department of agriculture, in consultation with industry groups and food safety experts, to submit recommendations concerning home based vendors to the general assembly.

State	Bill Number	Status	FN Outlook	
IN	SB 20	In House	61.2%	80.2%

**Title**

Regulation of micro market food sales.

**Description**

Specifies that "micro market display" includes a hot beverage brewer. Specifies that a "vending machine" includes a self-service device that can be activated by the use of a software application on a smartphone. Provides that a micro market can sell hot beverages. (Under current law, a micro market cannot sell hot beverages.)

State	Bill Number	Status	FN Outlook	
IN	SB 185	In House	94.5%	88.4%

**Title**

Home based vendors.

**Description**

Requires that the state department of health, state board of animal health, and state department of agriculture shall, in consultation with industry groups and food safety experts, submit recommendations concerning home based vendors to the general assembly.

State	Bill Number	Status	FN Outlook	
MA	HD 1298		70.0%	80.4%

**Title**

An Act to promote economic opportunities for cottage food entrepreneurs

State **MA** Bill Number **HD 2547** Status **FN Outlook**  
52.3% 86.7%

**Title**  
An Act regulating cottage foods

State **MA** Bill Number **SD 806** Status **FN Outlook**  
2.8% 75.0%

**Title**  
An Act to promote economic opportunities for cottage food entrepreneurs

State **MD** Bill Number **HB 1077** Status **In House** **FN Outlook**  
23.5% 71.0%

**Title**  
Health - Licensing of Food Establishments - Exemption for Open-Air Food Markets

**Description**  
Providing that a food establishment license is not required for a person who operates an open-air food market at the person's place of business and obtains an exemption from the licensure requirement from the Maryland Department of Health.

State **MN** Bill Number **HF 433** Status **In House** **FN Outlook**  
7.0% 0.0%

**Title**  
Minnesota Food Freedom Act established, homemade food sellers exempted from statutes, and local ordinance application to homemade food sellers preempted.

State **MO** Bill Number **HB 357** Status **In Senate** **FN Outlook**  
2.7% 73.5%

**Title**  
Allows cottage food production operations to sell food over the internet

State **MO** Bill Number **SB 235** Status **In Senate** **FN Outlook**  
2.1% 0.0%

**Title**  
Permits the sale of raw milk or cream in certain circumstances

State

**MS**

Bill Number

**HB 562**

Status

**Failed**

---

**Title**

Cottage food products; delete prohibition on the Internet sale of.

**Description**

An Act To Amend Section 75-29-951, Mississippi Code Of 1972, By Removing The Prohibition On Cottage Food Operators From Engaging In The Sell Of Cottage Food Products Over The Internet; And For Related Purposes.

State

**MS**

Bill Number

**HB 588**

Status

**Failed**

---

**Title**

Mississippi On-Farm Sales and Food Freedom Act; create.

**Description**

An Act To Create The Mississippi On-Farm Sales And Food Freedom Act; To Define Certain Terms; To Prohibit Any County, Municipality Or Other Political Subdivision Of This State From Regulating Certain Practices Involved In The Production Of Agricultural Or Farm Products On Any Private Property; To Prohibit Any County, Municipality Or Other Political Subdivision From Restricting The Retail Sale Or Distribution Of Unprocessed Agricultural Or Farm Products Grown Or Raised In This State Directly From The Producer To The Consumer; To Prohibit Any County, Municipality Or Other Political Subdivision From Requiring Any Permit For The Growing Or Raising Of Agricultural Products On Certain Properties When Those Products Are Used For Noncommercial Purposes; To Clarify That This Act May Not Be Construed To Give Individual Rights That Supersede Any Local Zoning Ordinance Or Nuisance Law; To Require Agricultural Or Farm Products Sold Under This Act To Be Clearly Marked And Labeled With A "Buyers Beware" Label Outlining The Inherent Risk Associated With Consuming Unprocessed Products; To Amend Section 75-31-65, Mississippi Code Of 1972, To Revise The Provisions Relating To The Incidental Sales Of Raw Goat Milk Or Raw Milk Products To Include Milk Produced From Cows; To Amend Section 69-3-11, Mississippi Code Of 1972, In Conformity To The Preceding Provisions; And For Related Purposes.



State	Bill Number	Status
MS	SB 2781	Failed

**Title**

Cottage food operation; increase maximum annual gross sales and authorize to advertise over the internet.

**Description**

An Act To Amend Section 75-29-951, Mississippi Code Of 1972, To Increase The Maximum Annual Gross Sales For A Cottage Food Operation To Be Exempt From Food Establishment Permit Fees; To Authorize A Cottage Food Operation To Advertise Cottage Food Products Over The Internet, Including Through Social Media; And For Related Purposes.

State	Bill Number	Status	FN Outlook
MT	SB 199	In House	85.5% 65.2%

**Title**

Provide for the Montana Local Food Choice Act

State	Bill Number	Status	FN Outlook
NJ	A 2315	In Assembly	5.6% 90.1%

**Title**

Permits, and establishes requirements for, sale of cottage food products.

State	Bill Number	Status	FN Outlook
NJ	A 4580	In Assembly	36.5% 92.3%

**Title**

Establishes requirements for sale of home baked goods.

State	Bill Number	Status	FN Outlook
NJ	S 73	In Assembly	43.7% 89.0%

**Title**

Establishes requirements for sale of home baked goods.

State	Bill Number	Status	FN Outlook
NM	HB 177	In House	40.7% 57.5%

**Title**

HOMEMADE FOOD ACT

State	Bill Number	Status	FN Outlook
NM	SB 118	In Senate	52.9% 59.2%

**Title**  
FOOD ACCESSIBILITY ACT

State	Bill Number	Status	FN Outlook
OK	HB 1032	In House	58.8% 52.1%

**Title**  
Public health and safety; Home Bakery Act of 2013; home food establishments; homemade food products; Department of Agriculture, Food, and Forestry; beekeepers; effective date.

State	Bill Number	Status	FN Outlook
OK	SB 833	In Senate	30.7% 76.8%

**Title**  
Homemade food; creating the Oklahoma Food Freedom Act; exempting certain food from state licensure. Emergency.

State	Bill Number	Status	FN Outlook
OK	SB 854	In Senate	24.4% 89.6%

**Title**  
Home food processing; creating the Home Food Processing Act; adding places where certain food may be sold. Effective date.

State	Bill Number	Status	FN Outlook
SC	S 308	In Senate	3.6% 85.7%

**Title**  
Home-based food production operations

**Description**  
A Bill To Amend Section 44-1-143, As Amended, Code Of Laws Of South Carolina, 1976, Relating To Home-Based Food Production Operations, So As To Allow A Home-Based Food Production Operation To Sell Food To An Informed Person And To Require A Disclosure On Certain Food Products.

State	Bill Number	Status	FN Outlook	
SC	S 506	In Senate	3.3%	88.3%

**Title**

Home-based food products

**Description**

A Bill To Amend Section 44-1-143 Of The 1976 Code, Relating To Requirements For Home-Based Food Production Operations, To Expand The Types Of Nonpotentially Hazardous Foods That May Be Sold To Include All Nonpotentially Hazardous Foods, To Allow For Direct Sales To Retail Stores, To Allow For Online And Mail Order Direct-To-Consumer Sales, To Allow Home-Based Food Production Operators To Provide On Their Labels An Identification Number Provided By The Department Of Health And Environmental Control, At The Operator'S Request, In Lieu Of Their Addresses, And To Provide Penalties For Violations.

State	Bill Number	Status	FN Outlook	
SD	HB 1121	In House	76.8%	89.2%

**Title**

Establish criteria governing the sale of homemade food items.

State	Bill Number	Status	FN Outlook	
TN	HB 813	In House	2.8%	60.1%

**Title**

Food and Food Products - As introduced, enacts the "Tennessee Food Freedom Act" to specify circumstances when persons may sell homemade food products without meeting certain permitting and licensure requirements. - Amends TCA Title 5; Title 6; Title 7; Title 43; Title 53 and Title 68.

State	Bill Number	Status	FN Outlook	
TN	SB 693	In Senate	94.2%	61.7%

**Title**

Food and Food Products - As introduced, enacts the "Tennessee Food Freedom Act" to specify circumstances when persons may sell homemade food products without meeting certain permitting and licensure requirements. - Amends TCA Title 5; Title 6; Title 7; Title 43; Title 53 and Title 68.

State	Bill Number	Status	FN Outlook	
TX	HB 2119	In House	2.6%	56.6%

**Title**

Relating to the regulation of restaurants and third-party food delivery services, including the issuance of certain permits to restaurants.

State	Bill Number	Status	FN Outlook
UT	HB 94	In Senate	48.4% 73.0%

**Title**  
Microenterprise Home Kitchen Amendments

State	Bill Number	Status	FN Outlook
WA	HB 1258	In House	27.0% 79.5%

**Title**  
Concerning the operation, authorization, and permitting of microenterprise home kitchens.

State	Bill Number	Status	FN Outlook
WV	SB 58	In Senate	3.1% 93.9%

**Title**  
Creating WV Farm Fresh Dairy Act

State	Bill Number	Status	FN Outlook
WV	SB 357	In Senate	2.8% 82.2%

**Title**  
Creating 2021 Farm Bill

State	Bill Number	Status	FN Outlook
WY	HB 118	In House	52.0% 75.2%

**Title**  
Food freedom act amendments.

**Description**  
AN ACT relating to marketing homemade foods; authorizing the sale of eggs as specified; amending provisions for consistency and clarity; and providing for an effective date.

## Covid-19 (2)

State	Bill Number	Status
MS	HB 562	Failed

**Title**  
Cottage food products; delete prohibition on the Internet sale of.

**Description**  
An Act To Amend Section 75-29-951, Mississippi Code Of 1972, By Removing The Prohibition On Cottage Food Operators From Engaging In The Sell Of Cottage Food Products Over The Internet; And For Related Purposes.

State

**MS**

Bill Number

**SB 2781**

Status

**Failed**

---

**Title**

Cottage food operation; increase maximum annual gross sales and authorize to advertise over the internet.

**Description**

An Act To Amend Section 75-29-951, Mississippi Code Of 1972, To Increase The Maximum Annual Gross Sales For A Cottage Food Operation To Be Exempt From Food Establishment Permit Fees; To Authorize A Cottage Food Operation To Advertise Cottage Food Products Over The Internet, Including Through Social Media; And For Related Purposes.

---

Powered by

**FiscalNote**