

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE**

**CHAPTER 40-7-19
COTTAGE FOOD REGULATIONS**

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40-7-19-.01 PURPOSE. The purpose of this Chapter is to allow individuals using home kitchens to prepare, manufacture, and sell non-potentially hazardous foods to the public.

Authority: O.C.G.A. § 26-2-34.

40-7-19-.02 DEFINITIONS. As used in this Chapter, the term:

- (1) **"Bulk food"** means food in aggregate containers from which quantities desired by the consumer are withdrawn.
- (2) **"Consumer"** means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a Food Sales Establishment or Food Processing Plant, and does not offer the food for resale.
- (3) **"Cottage food operator"** means a person who produces cottage food products only in the home kitchen of that person's primary domestic residence and only for sale directly to the consumer.
- (4) **"Cottage food products"** means non-potentially hazardous baked goods, jams, jellies, preserves, and other non-potentially hazardous foods produced in the home kitchen of a domestic residence.
- (5) **"Domestic residence"** means a single-family dwelling or an area within a rental unit where a single person or family actually resides; but does not include any group or communal residential setting within any type of structure or any outbuilding, shed, barn, or other similar structure.
- (6) **"Easily Cleanable"** means a characteristic of a surface that:
 - (a) Allows effective removal of soil by normal cleaning methods;
 - (b) Is dependent on the material, design, construction, and installation of the surface; and
 - (c) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.
- (7) **"Equipment"** means a normal household article that is used in the manufacture of cottage food products such as a freezer, grinder, hood, ice maker, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature-measuring device, or warewashing machine; but does not include industrial or commercial grade equipment that, due to their size, cannot be effectively cleaned in residential sinks or dishwashers.
- (8) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (9) **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.
- (10) **"Food-contact surface"** means:
 - (a) A surface of equipment or a utensil with which food normally comes into contact; or
 - (b) A surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.
- (11) **"Home kitchen"** means a kitchen primarily intended for use by the residents of a home. It may contain one or more stoves or ovens, which may be a double oven, designed for residential use. It must not include commercial types of equipment.
- (12) **"License"** means the document issued by the Department that authorizes a cottage food operator to produce cottage food products in their home kitchen. The Cottage Food License should not be considered a loophole or alternative to the Food Establishment License, or the requirement to obtain a Food Establishment License for Food Establishments under Subject 40-7-1.
- (13) **"Packaged"** means bottled, canned, cartoned, securely bagged, or securely wrapped in a cottage food operation. "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

- (14) **"Permitted area"** means the portion of a domestic residence housing a home kitchen where the preparation, packaging, storage, or handling of cottage food products occurs.
- (15) **"Personal Care Items"** means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance; which include items such as medicines, first aid supplies, cosmetics, and toiletries such as toothpaste and mouthwash.
- (16) **"Potentially hazardous foods"** means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, or the growth and toxin production of *Clostridium botulinum*.
- (17) **"Public water system"** has the meaning stated in 40 CFR 141.
- (18) **"Ready-to-eat food"** means a bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety.
- (19) **"Single-use articles"** means utensils and bulk food containers designed and constructed to be used once and discarded; including items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications for multiuse utensils.
- (20) **"Smooth"** means a food-contact surface having a surface free of pits and inclusions; or a floor, wall, or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.
- (21) **"Utensil"** means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-use articles, and gloves used in contact with food.

Authority: O.C.G.A. § 26-2-34.

40-7-19-.03 REGISTRATION. A cottage food operator must register with the Georgia Department of Agriculture's Food Safety Division before commencing operations. The application for registration must include the following:

- (1) The business name and home address of the cottage food operator;
- (2) A list of the cottage food products that the cottage food operator intends to produce;
- (3) Indication of private or public water system. If a public water system is utilized for the manufacture of cottage food products, the cottage food operator must attach a copy of their most recent water bill to the registration form;
- (4) Indication that the cottage food operator has attended and passed a Food Safety training class accredited by the American National Standards Institute (ANSI). A copy of their certificate must be attached to the registration form;
- (5) Indication that the cottage food operator has checked with their municipal and county governments to ensure a home business is allowed; and
- (6) An affidavit attesting that, by completing the registration form, the cottage food operator expressly grants the Georgia Department of Agriculture the right of entry to the residence during normal business hours, or at other reasonable times, for investigation of any consumer complaint, a foodborne disease outbreak, or other public health emergency. Refusal to allow entry during normal business hours, or at other reasonable times, will result in revocation of their Cottage Food License.

Authority: O.C.G.A. § 26-2-34.

40-7-19-.04 LICENSES AND FEES.

- (1) A person must not operate as a cottage food operator without registering with and obtaining a license from the Department.

- (2) The annual fee for the Cottage Food License will be \$100.00. Registration must be completed annually for permitted cottage food operators, according to calendar year. For new applicants registering after June 30th, the fee for the License will be reduced by 50%.
- (3) Water analysis, for coliform bacteria and nitrates, will be required annually for cottage food operators with a private water supply; and a copy of the water analysis results must be attached to the registration form. The most recent copy of the annual water analysis results must be maintained by the cottage food operator and provided to the Department upon request. The cottage food operator must also adhere to the requirements found in the Department's *Non-Public Water Supply Testing Guidance* document.
- (4) Cottage Food Licenses are not required for individuals selling home produced non-potentially hazardous foods only at non-profit events as described in O.C.G.A. § 26-2-21(a)(5)(C).

Authority: O.C.G.A. § 26-2-34.

40-7-19-.05 COTTAGE FOOD LIMITATIONS. Cottage Food Operators:

- (1) May only produce non-potentially hazardous foods. Examples of these foods include:
 - (a) Loaf breads, rolls, and biscuits;
 - (b) Cakes (except those that require refrigeration due to cream cheese icing, fillings, or high moisture content such as tres leche);
 - (c) Pastries and cookies;
 - (d) Candies and confections;
 - (e) Fruit pies;
 - (f) Jams, jellies, and preserves (Not to include Fruit Butters whose commercial sterility may be affected by reduced sugar/pectin levels);
 - (g) Dried fruits;
 - (h) Dry herbs, seasonings and mixtures;
 - (i) Cereals, trail mixes, and granola;
 - (j) Coated or uncoated nuts;
 - (k) Vinegar and flavored vinegars; and
 - (l) Popcorn, popcorn balls, and cotton candy.
- (2) Sale of cottage food products must be to the end consumer. No distribution or wholesale is allowed, including to hotels, restaurants, or institutions.
- (3) The cottage food operator may only produce the cottage food products listed on their registration form. To add additional products to the list, the cottage food operator must submit a new registration form, including an additional License fee for processing the registration form and re-inspection to ensure that their facilities and equipment are adequate for production of the new cottage food products.
- (4) Cottage food products must not be manufactured in conjunction with any domestic activities; including, but not limited to, family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
- (5) Home canned produce must not be used as an ingredient in cottage food products. Most home canned products are not approved for production under these Regulations, *with the exception of jams and jellies*.

Authority: O.C.G.A. § 26-2-34.

40-7-19-.06 COTTAGE FOOD LICENSE.

- (1) A Cottage Food License will be issued following a review of the registration application, and upon completion of a pre-operational inspection of the cottage food operator's home kitchen to evaluate the kitchen facilities and ensure compliance with 40-7-19.
- (2) The Cottage Food License must contain the following information:
 - (a) The business name and home address of the cottage food operator;
 - (b) The cottage food operator's name;
 - (c) The date the license is issued;
 - (d) The date the license expires;
 - (e) The list of cottage food products that were submitted on the license application;
 - (f) A statement that reads, "This license allows for the retail sale of home produced food. Food sold under this license shall be to the end consumer. Food produced in this facility is not subject to routine inspection, nor should this license be construed as a substitute for the Department's Food Sales Establishment License;" and
 - (g) A statement that reads, "This license must be conspicuously displayed at the point of sale."
- (3) The Cottage Food License is for food sales operations only. Food service will remain under the jurisdiction of local county health departments and the Georgia Department of Public Health.

Authority: O.C.G.A. § 26-2-34.

40-7-19-.07 INSPECTIONS.

- (1) The Department will conduct an inspection of the home kitchen of a cottage food operator:
 - (a) Prior to issuing the Cottage Food License;
 - (b) For the investigation of a consumer complaint; or
 - (c) For the investigation of a foodborne disease outbreak, or other public health emergency.
- (2) A pre-operational inspection must be performed prior to the issuance of a Cottage Food License by a Compliance Specialist. The cottage food operator must ensure:
 - (a) That they understand that only cottage food products disclosed on their registration form can be produced;
 - (b) That only standard, residential (non-commercial) kitchen equipment is being utilized in the manufacture of cottage food products;
 - (c) That the home kitchen equipment is acceptable for the intended products;
 - (d) That food contact surfaces and utensils are smooth and easily cleanable;
 - (e) That the permitted area is free from the presence of rodents and insects, and that there are no points of entry visible prior to starting operations;
 - (f) That facilities are available to properly store ingredients and finished products according to the Regulations in 40-7-19;
 - (g) That they have a copy of the Food Safety Directives (40-7-19-.08) and understand them;
 - (h) That they are aware of the labeling requirements for cottage food products, including allergen declarations and the cottage food statement; and
 - (i) That they have a scale if their cottage food products are sold by weight.
- (3) Inspections conducted in response to consumer complaints or foodborne disease outbreaks will be unannounced or commence within one (1) hour of receiving notice of the intent to conduct an inspection.

Authority: O.C.G.A. § 26-2-34.

40-7-19-.08 FOOD SAFETY DIRECTIVES. The Food Safety Directives are public health intervention strategies designed to limit the potential for foodborne disease outbreaks. cottage food operators should follow these directives to help ensure the safety of their products. They represent the minimum best practices required in the production of cottage food products, and cottage food operators are encouraged to contact the Department for additional guidance on food safety issues.

- (1) Handwashing.
 - (a) Employees involved with the preparation and packaging of cottage food products should clean their hands and exposed portions of their arms before starting food processing and after any activity that renders the hands unsanitary.
 - (b) Liquid soap, paper towels, and water warm to the touch should be used for handwashing, and these should always be available at the handwashing sink.
- (2) Bare-Hand Contact with Ready-to-Eat Foods. Bare-hand contact with ready-to-eat foods should be avoided at all costs. Single-service gloves, bakery papers, tongs, or other utensils should be used when handling ready-to-eat foods.
- (3) Hair Restraint and Clean Outer Garments. Hair restraints and clean outer garments must be worn by all persons in the permitted area during processing, preparing, packaging, or handling of cottage food products.
- (4) Eating, Drinking, or Using Tobacco. No cottage food operator or employee under the cottage food operator's direct supervision should eat, drink, or use any form of tobacco in the permitted area during processing, preparing, packaging, or handling of cottage food products.
- (5) Preventing Contamination When Tasting. A cottage food operator or employees under the cottage food operator's direct supervision should not use a utensil more than once to taste cottage food products.
- (6) Employee Health. Employees should not be allowed to prepare or package cottage food products if they have any of the following symptoms:
 - (a) Vomiting;
 - (b) Fever;
 - (c) Diarrhea;
 - (d) Jaundice; or
 - (e) Sore throat with fever.
- (7) Unauthorized Persons. No person other than the cottage food operator or designated employees under the cottage food operator's direct supervision, should be engaged in food processing or handling activities, or be present in the permitted area while preparation, packaging, or handling is occurring.
- (8) Food Contact Surfaces. The food contact surfaces of all equipment and utensils should be clean to the sight and touch before beginning manufacture of cottage food products, and at a minimum frequency while in use to limit the potential for food and ingredient contamination.
- (9) Proper Storage of Ingredients and Finished Products. Cottage food products' ingredients and finished products should be stored separate from the residential food supplies, and in a manner to prevent contamination from the premises and non-employees.
- (10) Proper Use and Storage of Chemicals. Chemicals should be used according to the label instructions and stored in a manner to prevent contamination of food contact surfaces, ingredients and finished products, single-use articles, and packaging materials.
 - (a) personal care items should not be stored or allowed in the permitted area unless stored in such a manner that does not allow contamination of food or food contact surfaces.
 - (b) Spray bottles should have their contents clearly labeled.
 - (c) Pest control chemicals should not be used in the permitted area.
- (11) Pests. Pests should not be present in the permitted area. These areas should be kept clean to prevent harborage of pests, and the premises should allow for easy visual inspection of pest activity.

(12) Pets. Pets should not be allowed in the permitted area at any time during the preparation or packaging of cottage food products.

Authority: O.C.G.A. § 26-2-34.

40-7-19-09 PRODUCT LABELS. Labeling is required for cottage food products, and the method will vary depending on the manner of sale:

- (1) Direct sale. For cottage food products that are custom sold to an individual consumer (ex. wedding cakes, birthday cakes, etc.) the following information must be on the package:
 - (a) The business name and home address of the cottage food operator;
 - (b) The following statement must be conspicuously labeled on the package, "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO STATE FOOD SAFETY INSPECTIONS." This statement must:
 1. Appear in Times New Roman or Arial font, in at least 10-point type; and
 2. In a color that contrasts to the background color of the label.
- (2) Pre-packaged foods. Cottage food products individually packaged, wrapped, or otherwise containerized for sale to the end consumer must have a product label attached to the package. The following information must be included on the label:
 - (a) The business name and home address of the cottage food operator;
 - (b) The common name of the cottage food product;
 - (c) The ingredients in descending order of predominance by weight;
 - (d) The net weight or volume of the product;
 - (e) Allergen labeling as specified by FDA labeling requirements;
 - (f) If a nutritional claim is made, appropriate nutritional information as specified by FDA labeling requirements;
 - (g) The cottage food statement as described in 40-7-19-.09(1)(b).
- (3) Bulk Sales. Cottage food products may be offered for sale from bulk food containers. Labeling information must be made available to the consumer, and this may be accomplished by way of a card, sign, loose leaf booklet, or other method of notification at the point of sale. The following information must appear in the labeling information:
 - (a) The business name and home address of the cottage food operator;
 - (b) The common name for each of the cottage food products offered for sale in bulk food containers;
 - (c) The ingredients in descending order of predominance by weight for each of the cottage food products offered for sale in bulk food containers;
 - (d) Allergen labeling as specified by FDA labeling requirements;
 - (e) If a nutritional claim is made, appropriate nutritional information as specified by FDA labeling requirements;
 - (f) The cottage food statement as described in 40-7-19-.09(1)(b) must be affixed to the bulk food container so that it is conspicuously displayed.

Authority: O.C.G.A. § 26-2-34.

40-7-19-10 SCALES REQUIRED.

- (1) For cottage food products that are individually packaged, wrapped, or otherwise containerized for sale, the cottage food operator should employ a food scale to ensure that the net contents of the consumer package is at least equal to the amount listed in the declaration of quantity.
- (2) For cottage food products that are sold by weight, the cottage food operator must have a scale that is legal for trade.

Authority: O.C.G.A. § 26-2-34.