

Director of Environmental Health
Warren Farnam, REHS

Modoc County Health Services
Environmental Health Department

Public Health Officer
Edward P. Richert, M.D.

Director of Health Services
**Stacy Sphar, RN, BSN,
PHN**

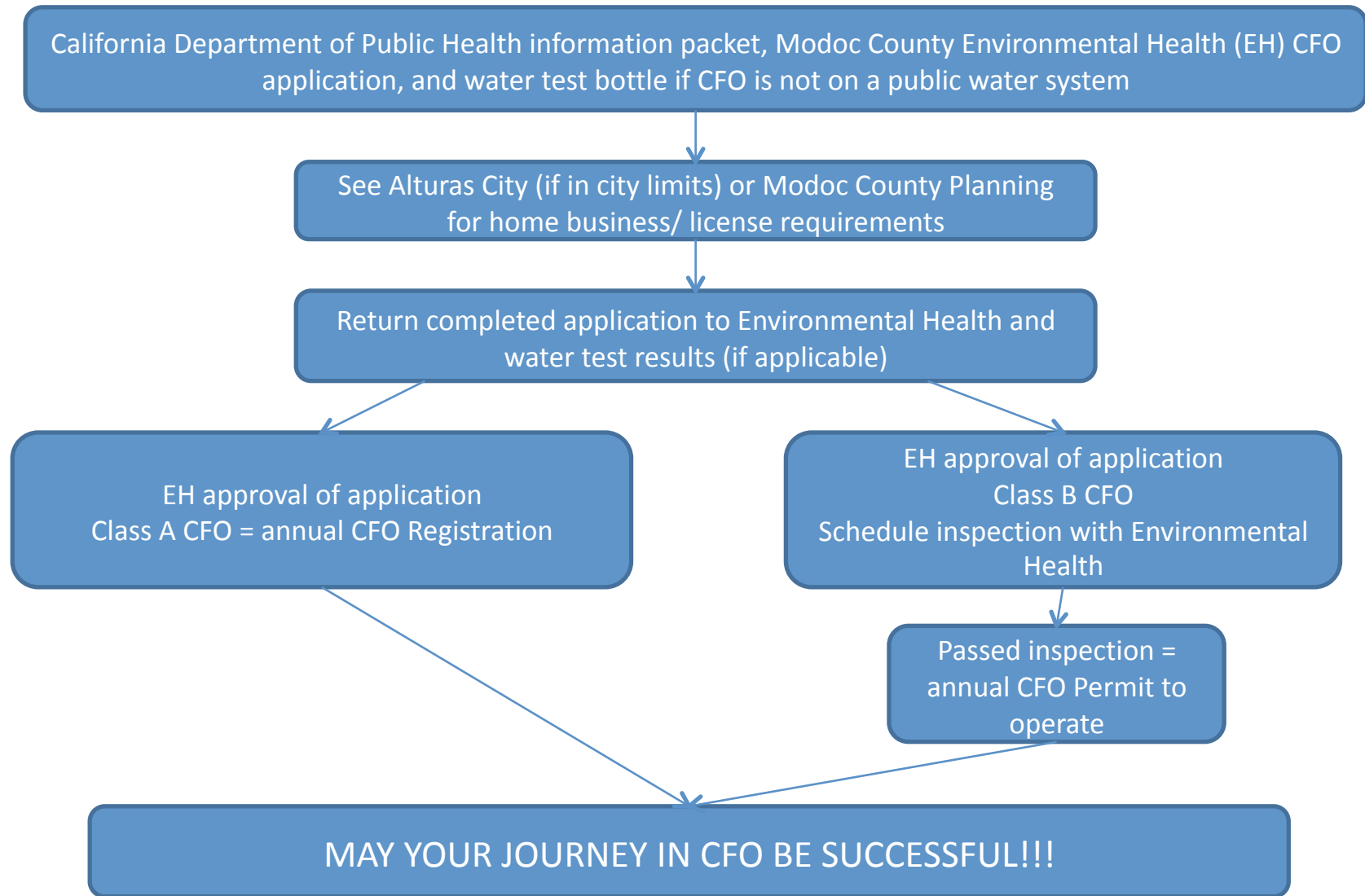
Cottage Food Application & Guidelines



202 W. 4th Street, Alturas, CA 96101
(530)233-6310, FAX (530)233-6342
modoccohealthservices.com

GETTING STARTED

COTTAGE FOOD OPERATION (CFO) IN MODOC COUNTY





TOMÁS J. ARAGÓN, MD, DrPH
Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

APPROVED COTTAGE FOOD LIST – DECEMBER 6, 2021

Cottage Food Operations are allowed to produce certain categories of non-potentially hazardous foods. These are foods that do not support the rapid growth of microorganisms or toxins that could make people sick when the food is held outside time and temperature control. The California Department of Public Health (CDPH) is responsible for maintaining the Approved Cottage Foods List and may add or delete food categories. Notice of any change, the reason for the change, and the nature of the change is posted on our [Cottage Food Operations](#) webpage. Changes become effective 30 days after the notice has been posted. Questions about the Approved Cottage Foods List may be submitted to FDBRetail@cdph.ca.gov.

1. BAKED GOODS WITHOUT CREAM, CUSTARD, OR MEAT FILLINGS.

Examples:

Bagels * Baklava * Biscuits * Bread * Brownies * Buns * Cake * Churros * Coconut Macaroons * Cookies * Crackers * Cupcakes * Donuts (fried or baked) * Empanadas (fruit only) * Flatbreads * Fruit, Nut, or Seed Bars * Macarons (with approved buttercream) * Muffins * Pastries * Pies (fruit only) * Pizzelles * Quick Breads * Samosas (fruit only) * Tamales (fruit only) * Tarts * Tortilla * Torts * Waffles (fried or baked) * Waffle Cones

2. CANDY AND CONFECTIONS. Examples:

Brittles * Candied Apples * Candied Popcorn (balls, caramel, chocolate) * Caramels * Cotton Candy * Chocolate-Covered Non-Perishables (including: marshmallows, nuts, candy, dried fruit, potato chips, or any combination) * Edible Dessert Sprinkles (including: sanding and crystalized sugars, non-pareils, confetti, sequins, dragees, sugar-shapes, sugar-strands (jimmies), comfits, mini-chocolates, and pralines) * Freeze-Dried Candies * Fudge * Ground Chocolate * Hard Candy * Marshmallow Bars * Marshmallows (without eggs) * Popcorn Balls * Salted Caramels * Spiced Sugar * Toffee

3. EXTRACTS CONTAINING AT LEAST 70 PROOF OR 35% FOOD-GRADE FOR HUMAN CONSUMPTION ETHANOL/ALCOHOL. Only those listed or combinations of those listed are allowed.

Apple * Apricot * Blackberry * Blueberry * Cherry * Chocolate * Clove * Cinnamon * Cranberry * Grapefruit * Lemon * Lime * Orange * Peach * Pear * Pineapple * Pomegranate * Raspberry * Strawberry * and Vanilla

4. **DRIED, DEHYDRATED, AND FREEZE-DRIED FOODS.** Examples:
Baking Mixes * Bean Soup Mixes * Cereals * Coffee (roasted or freeze-dried) *
Fruit * Fruit Powders * Fruit Roll-Ups * Grain Mixes * Granola * Ground
Chocolate * Herbs and Herb Butters * Hot Chocolate Mix * Mole Paste * Pasta *
Popcorn * Potato Chips * Seasoning Salt * Spice Mix or Rubs * Tea * Trail
Mixes * Vegetables * Vegetable Chips * Vegetable Soup Mixes
5. **FROSTINGS, ICINGS, FONDANTS, AND GUM PASTES THAT DO NOT CONTAIN EGGS[†], CREAM, OR CREAM CHEESE.** Examples:
Buttercream (traditional, vegan and chocolate) * **Fondant** (regular and chocolate) *
Flat Icing * Gum Paste (pasteurized eggs only) * **Edible Images * Sugar Glazes ***
Vegan Gum Paste
[†]Frostings and Icings made with meringue powder, powdered eggs, or pasteurized eggs are allowed
6. **HONEY AND SORGHUM SYRUPS.** only pure no additional ingredients are allowed
7. **FRUIT BUTTERS, JAMES, JELLIES THAT COMPLY WITH [PART 150 OF TITLE 21 OF THE CODE OF FEDERAL REGULATIONS](#)** (only those fruits listed in the CFR are allowed. Additional fruits or vegetables will not be approved)
8. **NUTS, NUT MIXES, AND NUT BUTTERS.**
9. **POWDERED DRINK MIXES MADE FROM MANUFACTURED INGREDIENTS.**
(drink mixes cannot be labeled with “protein” because the amount cannot be determined)
10. **VINEGARS AND MUSTARDS.** Examples:
Mustards (plain without eggs) * **Vinegars * Fruit-Infused Vinegars** (only high-acid fruits such as: apple, blackberry, blueberry, cherry, crabapple, cranberry, grape, gooseberry, grapefruit, huckleberry, kumquat, lemon, lime, loganberry, nectarine, orange, peach, plum, pineapple, pomegranate, quince, raspberry, strawberry, tomatillo, youngberry)



MODOC COUNTY ENVIRONMENTAL HEALTH

202 W 4TH ST ALTURAS, CA 96101
(530) 233-6310 fax (530) 233-6342



CALIFORNIA HOMEMADE FOOD ACT REGISTRATION APPLICATION

CFO Business Name:		Date:	
CFO Physical Address:	CFO City:	CFO ZIP:	
CFO Property APN:	Owner Name:		
Email Address:	Mailing Address (if different):		
Contact Phone Number:	Mailing City:	Mailing ZIP:	

☐ "Class A" CFO (Direct Sales Only) ☐ "Class B" CFO (Direct & Indirect Sales)

☐ Checklist completed ("Class A" CFOs Only)

1. Products: Please check ALL of the items you will be preparing and/or selling.

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Baked Goods | <input type="checkbox"/> Dried Pasta | <input type="checkbox"/> Honey | <input type="checkbox"/> Popcorn |
| <input type="checkbox"/> Candy | <input type="checkbox"/> Dry Baking Mixes | <input type="checkbox"/> Mustard | <input type="checkbox"/> Vinegar |
| <input type="checkbox"/> Churros | <input type="checkbox"/> Waffle Cones | <input type="checkbox"/> Tortillas | <input type="checkbox"/> Fruit Butter * |
| <input type="checkbox"/> Dried Mole Paste | <input type="checkbox"/> Herb/Spice Blends | <input type="checkbox"/> Pizelles | <input type="checkbox"/> Jams/Jellies* |
| <input type="checkbox"/> Trail Mix | <input type="checkbox"/> Fruit Tamales/Pies | <input type="checkbox"/> Nuts/Nut Mixes | <input type="checkbox"/> Dried Fruit |
| <input type="checkbox"/> Fruit Empanadas | <input type="checkbox"/> Nut Butters | <input type="checkbox"/> Dried Tea | <input type="checkbox"/> Roasted Coffee |
| <input type="checkbox"/> Sweet Sorghum Syrup | <input type="checkbox"/> Granola/Cereals | <input type="checkbox"/> Chocolate Covered Nonperishable Food | |

☐ Other: _____

Please attach Food descriptions on a separate piece of paper

*These items must comply with standards described in Part 150 of Title 21 of the Code of Federal Regulations
<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=150>

Prohibited Items:

Foods containing **cream, custard, or meat fillings** are **potentially hazardous** and are **NOT ALLOWED**. Only foods that are defined as "non-potentially hazardous" are approved for preparation by a Cottage Food Operation (CFO). These are food items that do not require refrigeration to keep them safe from bacterial growth that could be a cause of food-borne illness.

2. Water Source:

Please identify the water source to be used in Cottage Food Facility

☐ Name of Public Water System or Community Services District:

☐ If you use a Private Water Supply*, identify the source (well, spring, surface, etc.):

***Private Water Supply:** An approved standard bacteriological test will be required before permit issuance. Sample bottles can be obtained at Modoc Environmental Health. You be required to take your own sample, ship, and pay for the test. An individual test cost approximately \$35. Failed test will require Environmental Health inquiry. Passed bacteriological test will be required annually.

3. Disposal of Waste:

Please check what type of treatment is used to dispose of waste

☐ Public Sewer Service

☐ Private Septic System*

* The effluent produced from a CFO food production/preparation operation may exceed the original design requirements and result in premature septic system failure. In the event of septic system failure, you are required to notify **Modoc County Environmental Health** immediately.

If you **DO NOT OWN** the dwelling the CFO occupies then the **OWNER** is required to acknowledge the septic system risk from a CFO operation:

OWNER NAME: _____

ADDRESS: _____

PHONE: _____

OWNER SIGNATURE: _____

4. Food Processor Course:

Within 3 months of being approved to operate by the Environmental Health Division, please provide proof of completion of the required California Department of Public Health (CDPH) food processor course*.

Proof of completion can be faxed to Modoc Environmental Health at: **(530) 233-6342**

* See CDPH Website for more information: <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>

5. Local Requirements:

Within the City of Alturas: <ul style="list-style-type: none">• Business License Requirements- City Hall• Planning Requirements for a home business – City Hall	Unincorporated Modoc County: <ul style="list-style-type: none">• Planning Requirements for a home business- Modoc County Planning Department• No business license required.
---	---

6. CFO Owner's Statement:

I have reviewed and understand the CFO laws and guidelines.

I agree to grant access to Modoc County Environmental Health to conduct an initial/routine inspection of my cottage food operation and/or in the event of a consumer complaint or food-borne illness.

I agree to notify Modoc County Environmental Health prior to modifying my food list, type of operation, and/or method of selling, distributing, or otherwise providing my CFO products to the consumer or retailers, regardless of whether the product is sold, consigned, or given away.

I understand that violations requiring a facility re-inspection by Modoc County Environmental Health will result in a \$300 fee as per Modoc County Resolution 08-34.

CFO Owner's Signature

Print Name

Date

OFFICE USE ONLY

APPLICATION REVIEWED BY: _____

DATE: _____

MODOC COUNTY ENVIRONMENTAL HEALTH

202 W. 4TH STREET • ALTURAS, CA 96101

TELEPHONE: (530) 233-6410 • FAX: (530) 233-6342

COTTAGE FOOD OPERATIONS (CFOs – Class A) SELF CERTIFICATION CHECKLIST

The following requirements are outlined in the Cottage Food Operations (CFO) regulations and are provided as minimum standards of health and safety for the preparation of approved cottage foods in the home. By checking the appropriate boxes, you are signifying that you understand and acknowledge the requirements expected of you.

CFO Business Name:	CFO Owner Name:
--------------------	-----------------

Facility Requirements:

Yes No

- | | | |
|---|--------------------------|--------------------------|
| 1. The CFO is located in a private dwelling where the CFO operator currently resides. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. All CFO food preparation will take place in a private kitchen within that home. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Additional storage used for the CFO will be within the home. | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If YES, is the room used exclusively for storage? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Specify the room(s) that will be used for storage(Sleeping quarters are excluded from areas used for CFO food preparation of storage): | | |

Zoning Requirements:

Yes No

- | | | |
|---|--------------------------|--------------------------|
| 5. I have complied with the applicable zoning requirements for the CFO. | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|

Employee and Training Requirements:

Yes No

- | | |
|--|--------------------------|
| 6. Have all persons preparing or packaging CFO products completed the CDPH food processor course? <input type="checkbox"/> | <input type="checkbox"/> |
| If YES, make sure copies of certificates are attached. | |
| If NO, must complete course within 3 months of CFO registration. | |
| 7. The CFO has no more than 1 full-time equivalent employee?
(Immediate family or household members are not included.) | <input type="checkbox"/> |

Sanitation Requirements:

Yes No

- | | | |
|--|--------------------------|--------------------------|
| 8. Kitchen equipment and utensils used to produce CFO products are clean and maintained in a good state of repair. | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any CFO products shall be washed, rinsed, and sanitized before each use. | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects. | <input type="checkbox"/> | <input type="checkbox"/> |

Food Preparation Requirements:

Yes No

11. Hand washing is required immediately prior to handling foods

and after engaging in any activity that contaminates the hands,
such as after using the toilet, coughing or sneezing, eating, or smoking.☐☐

12. Warm water, hand soap, and clean towels are available for hand washing.

☐☐

13. All food ingredients used in the CFO products are from an approved source.

☐☐

14. Potable water shall be used for hand washing, ware washing, and as an ingredient.

☐☐*During the preparation, packaging, or handling of CFO products:*15. Domestic activities such as family meal preparation, dishwashing,
clothes washing or ironing, kitchen cleaning or guest entertainment
are excluded from the kitchen.☐☐

16. Infants, small children (younger than 12 years old), or pets, are excluded from the kitchen.

☐☐

17. Smoking is excluded.

☐☐

18. Any person with a contagious illness shall refrain from work in the CFO.

☐☐

By signing below, you are certifying that you meet the requirements of the California Homemade Food Act, AB 1616 (Gatto), as it pertains to a 'Class A' Cottage Food Operation. Prior to making any changes, I acknowledge that I must notify Modoc County Environmental Health of any intended changes to the above statement.

Cottage Food Operator Checklist completed and submitted by:

Owner's Signature

Print Name

Date



COTTAGE FOOD OPERATIONS

Assembly Bill (AB) 1616 authored by Assembly Member Gatto, **Chapter 415, Statutes of 2012**, was signed into law by Governor Brown on September 21, 2012, and became effective on January 1, 2013. The bill allows individuals to prepare and/or package certain non-potentially hazardous foods in private-home kitchens referred to as "cottage food operations" (CFOs).

AB 1616 creates a two-tier cottage food operator registration and permitting system to be enforced by local county or city environmental health agencies: 1) "Class A" cottage food operators are those operations that sell CFO prepared foods directly to the public (at the home where the cottage food operation is located or at a community event), and 2) "Class B" cottage food operators are those operations that sell CFO prepared foods either indirectly through restaurants and stores or both directly to the public as well as indirectly to the public via sale to retail food facilities such as restaurants and markets. There are different requirements for "Class A" and "Class B" cottage food operations. "Class A" cottage food operations must submit a completed self-certification checklist approved by the local environmental health agency when they submit their registration application. "Class B" operations must submit a permit application and be inspected prior to obtaining a permit from the local environmental health agency. All cottage food operations must be registered or permitted by their local environmental health agency before commencing business. Please contact your local environmental health agency for more information.

All cottage food operators will have to meet specified requirements pursuant to the California Health and Safety Code related to preparing foods that are on the approved food list, completing a food processor training course within three months of registering, implementing sanitary operations, creating state and federal compliant labels, and operating within established gross annual sales limits.

The local environmental health agency may inspect the permitted or registered area of the private home in which the cottage food operation prepares, handles, or stores food (1) prior to issuing a permit to "Class B" CFOs and (2) on the basis of a consumer complaint where there is reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation or that the cottage food operation has violated provisions of law related to cottage food operations.

Cottage food operations are not allowed to manufacture potentially hazardous foods, acidified foods, or low acid canned food products that would support the growth of botulism if not properly prepared. These foods, as well as other foods not on the approved foods list, are regulated by the California Department of Public Health (CDPH). The enactment of AB 1616 provides cottage food operators with the opportunity to operate a small scale food business. Once the cottage food operation exceeds the gross sales volume established in the law, they must move their operations to a commercial processing facility and register with the CDPH under the Processed Food Registration Program. For additional information on the Processed Food Registration (PFR) program, please follow the link below:

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/ProcessedFoodRegistration.aspx>



COUNTY OF MODOC
PLANNING DEPARTMENT

203 W. 4th Street
Alturas, California 96101
(530) 233-6406 Office

Interim Director
Sean Curtis

Planning Commissioners
Brian Cox, Chairman
Carolyn Carey
Greg O' Sullivan
Dennis Fanning

Home Occupation Acknowledgment Form

18.06.510 Home occupation.

“Home occupation” means an accessory use of a dwelling unit or accessory building on the same lot for gainful employment involving the manufacture, provision, or sale of goods and/ or services, when the use is conducted entirely within the dwelling or accessory building such that no outdoor storage or activity takes place, no persons other than the inhabitants of the dwelling are employed, and no advertising occurs on or near the premises except that one nameplate which does not exceed twelve inches by six inches (12” x 6”) containing the name and/ or occupation may be attached on and flush with the dwelling or accessory building.

I HEREBY ACKNOWLEDGE THE ABOVE LISTED REQUIREMENTS, AND COMMIT TO FULFILLING THEN AS REQUIRED BY MODOC COUNTY TITLE 18 ZONING CODE.

Signature of CFO Owner

Print Name

Physical Address

APN#

Date



California Homemade Food Act

Frequently Asked Questions

AB 1616 (Gatto) - Cottage Food Operations and AB 1252 Amendments

When does the new Cottage Food Law go into effect? The new law became effective January 1, 2013. The law requires the California Department of Public Health (CDPH) to carry out certain tasks associated with implementation, and imposes certain responsibilities on local planning and environmental health jurisdictions. Further information regarding the status of implementation can be obtained from your local environmental health agency.

- 1. What is a cottage food operation (CFO)?** A CFO is an enterprise at a private home where specific low-risk food products that do not require refrigeration are made or repackaged for sale to consumers.
- 2. What is meant by a private home?** "Private home" means a dwelling, including an apartment or other rented space, where the CFO operator resides.
- 3. Are there limitations on the size of CFO sales?**
 - \$35,000 or less in gross sales annually in 2013
 - \$45,000 or less in gross sales annually in 2014
 - \$50,000 or less in gross sales annually in 2015 and beyond
- 4. Can a CFO have employees?** A CFO can have one full-time equivalent employee (not counting family members or household members).
- 5. What cottage foods are CFOs permitted to produce?** Only specific foods that are defined as "non-potentially hazardous" are approved for preparation by CFOs. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick.

CDPH will establish and maintain a list of approved cottage food categories on their website. The list included in the new law includes:

Registration and Permit Requirements for “Class A” and “Class B” Cottage Food Operations:

General Requirements

All cottage food operations must be registered or permitted by the local environmental health agency before starting business. The issued registration or permit is non-transferable and is only valid for the person, location, type of food sales, and distribution activity specified by the issued registration or permit.

A cottage food operation is operated by a cottage food operator and has not more than one full-time equivalent cottage food employee, which does not include a family member or household member of the cottage food operator. A cottage food operation is located 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 both direct and indirect sale to consumers.

A cottage food operator must meet the following requirements:

- Meet the registration or permitting requirements for either “Class A” or “Class B” cottage food operations.
- Complete the food processor training course for cottage food operators.
- Prepare only foods on the approved cottage food product list.
- Meet the food preparation and sanitation requirements for cottage food operations.
- Label cottage food products in accordance with state and federal regulations.
- Not exceed the gross annual sales amount.

Cottage food operations may only prepare for sale foods that are listed on the approved food list for cottage food operations. The list of categories of approved foods for cottage food operations are posted on the California Department of Public Health (CDPH) website, which will be updated as necessary.

Cottage food operations may not exceed the gross annual sales amounts specified in California Health and Safety Code Section 113758(a).

- In 2013, the operation shall not have more than thirty-five thousand dollars (\$35,000) in gross annual sales in the calendar year.
- In 2014, the operation shall not have more than forty-five thousand dollars (\$45,000) in gross annual sales in the calendar year.
- Commencing in 2015 and each subsequent year thereafter, the operation shall not have more than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year.

“Class A” Cottage Food Operations:

“Class A” cottage food operations may engage only in direct sales of cottage food products. A direct sale means a transaction between a cottage food operator and a consumer, where

the consumer purchases the cottage food product directly from the cottage food operation within the state. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, at farm stands, at certified farmers' markets, or through community-supported agriculture subscriptions, and also occurring in person at the cottage food operation location.

Before opening for business, a "Class A" cottage food operation must become registered by the local environmental health agency and renew their registration annually. Additionally, a self-certification check list must be submitted as part of the registration process. The self-certification check list will demonstrate that the cottage food operation conforms to the statutory requirements for Cottage Food Operations as set forth in California Health and Safety Code 114365 et seq., which includes the following requirements:

- (a) No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
- (b) No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.
- (c) Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.
- (d) All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.
- (e) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.
- (f) Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.

"Class A" Cottage Food Operations must also comply with the provisions set forth under California Health and Safety Code 114365.2, which specifies mandatory compliance with Sections 113953.3, 113967, 113973, 113980, 114259.5, 114285, 114286, 114405, 114407, 114409, 114411 and 114413.

Additionally, operators must ensure that:

- (a) A person with a contagious illness refrains from working in the registered area of the cottage food operation.
- (b) A person involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation.
- (c) Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869, or in accordance with the local regulatory authority, except that a cottage food operation shall not be required to have an

indirect sewer connection. Water used during the preparation of cottage food products includes all of the following:

- (1) The washing, sanitizing, and drying of any equipment used in the preparation of a cottage food product.
 - (2) The washing, sanitizing, and drying of hands and arms.
 - (3) Water used as an ingredient.
- (d) A person who prepares or packages cottage food products shall complete a food processor course approved by the CDPH to protect the public health within three months of becoming registered and every three years during operation. The course shall not exceed four hours in length. CDPH shall work with the local enforcement agency to ensure that cottage food operators are properly notified of the location, date, and time of the classes offered.
- (e) A cottage food operation shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.) in addition to state specific labeling requirements.

Please contact your local environmental health agency to obtain more information

“Class B” Cottage Food Operations:

“Class B” cottage food operations may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from offsite events, or from a third-party retail food facility such as restaurants and markets within the jurisdiction of their local environmental health agency. “Class B” operations may also engage in indirect sales in counties outside their home permitted county, if the Environmental Health Director in that outside local environmental health agency jurisdiction permits the operator to conduct indirect sales within their jurisdiction.

After an initial inspection and before a “Class B” cottage food operation opens for business, they must first obtain a permit from the local environmental health agency to engage in the indirect, or direct and indirect, sale of cottage food products.

“Class B” operations must conform with the statutory requirements for Cottage Food Operations as set forth in California Health and Safety Code 114365 et seq., which includes the following requirements:

- (a) No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
- (b) No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.
- (c) Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.

- (d) All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.
- (e) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.
- (f) Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.

“Class B” Cottage Food Operations must also comply with the provisions set forth under California Health and Safety Code 114365.2, which specifies mandatory compliance with Sections 113953.3, 113967, 113973, 113980, 114259.5, 114285, 114286, 114405, 114407, 114409, 114411 and 114413.

Additionally, operators must ensure that:

- (a) A person with a contagious illness refrains from preparing or packaging cottage food products in the permitted area of the cottage food operation.
- (b) A person involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation.
- (c) Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869, except that a cottage food operation shall not be required to have an indirect sewer connection. Water used during the preparation of cottage food products includes all of the following:
 - (1) The washing, sanitizing, and drying of any equipment used in the preparation of a cottage food product.
 - (2) The washing, sanitizing, and drying of hands and arms.
 - (3) Water used as an ingredient.
- (d) A person who prepares or packages cottage food products shall complete a food processor course approved by CDPH to protect the public health within three months of becoming registered and every three years during operation. The course shall not exceed four hours in length. CDPH shall work with the local enforcement agency to ensure that cottage food operators are properly notified of the location, date, and time of the classes offered.
- (e) A cottage food operation shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.) in addition to state specific labeling requirements.

Please contact your local environmental health agency to obtain more information

- Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- Candy, such as brittle and toffee
- Chocolate-covered nonperishable foods, such as nuts and dried fruit
- Dried fruit
- Dried pasta
- Dry baking mixes
- Fruit pies, fruit empanadas, and fruit tamales
- Granola, cereals, and trail mixes
- Herb blends and dried mole paste
- Honey and sweet sorghum syrup
- Jams, jellies, preserves, and fruit butter that comply with the standard described in [Part 150 of Title 21 of the Code of Federal Regulations](#).
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizzelles
- Cotton candy
- Candied apples
- Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts, and hard candy, or any combination thereof.
- Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese
- Dried or dehydrated vegetables
- Dried vegetarian-based soup mixes
- Vegetable and potato chips
- Ground chocolate
- Seasoning salt
- Flat icing
- Marshmallows that do not contain eggs
- Popcorn balls
- Dried grain mixes
- Fried or baked donuts and waffles

6. What are the two classifications of CFO's?

"Class A" CFOs are only allowed to engage in **"direct sales"** of cottage food.

"Class B" CFO's may engage in both **"direct sales"** and **"indirect sales"** of cottage food.

7. **What is meant by “direct sale” of cottage food?** “Direct sale” means a transaction **within the state of California** between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers’ markets, or through community-supported agriculture subscriptions, and transactions occurring in person at the cottage food operation.
8. **What is meant by “indirect sale” of cottage food?** “Indirect sale” means an interaction within the state of California between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third-party retailer that holds a valid permit issued by the local environmental health agency in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail food facilities including markets, restaurants, bakeries, and delis, where food may be immediately consumed on the premises.
9. **What are limitations on Internet sales and delivery of cottage food products?** A cottage food operator may advertise as well as accept orders and payments via Internet or phone. However, a CFO must deliver (in person) to the customer. A CFO may not deliver any CFO products via US Mail, UPS, FedEx or using any other third-party delivery service. A cottage food operator may not introduce a CFO product into interstate commerce. Additionally, CFO’s can only sell cottage foods outside their county of residence only when the local environmental health agency of the outside county allows it.
10. **What are limitations on advertising of CFO products?** It is unlawful for any person to disseminate any false advertising of any food. An advertisement is false if it is false or misleading in any particular. A cottage food product that is found to be falsely advertised would be subject to enforcement action.
11. **Do I need any special training or certification to make cottage foods?** A person who prepares or packages cottage food products must complete a food processor course approved by CDPH within three months of being registered or permitted and every three years during operation.

12. Does a CFO need a permit to operate?

Planning and zoning: All CFO’s need to obtain approval from their local city or

county planning department. The Homemade Food Act gives planning departments several options to consider, so planning department requirements may vary between jurisdictions.

Environmental Health: For “**Class A**” CFO’s (direct sale only), must complete an annual **registration** with the local enforcement agency and submit a fully completed “self-certification checklist” approved by the local environmental health agency. For “**Class B**” CFO’s (either direct and indirect or indirect only), must obtain an annual **permit** from the local environmental health agency.

Other requirements: Check on other state or local requirements that may be applicable, such as Sellers Permits through the Board of Equalization, or Business Licenses through your city or county.

Registrations and permits are nontransferable between:

- 1) Persons
- 2) Locations
- 3) Type of food sales [i.e., direct sales (“Class A”) vs. indirect sales (“Class B”)]
- 4) Type of distribution

13. How much will the permit or registration cost the CFO? Each local jurisdiction will establish fees that are not to exceed the cost of providing the service. Additional fees may be charged for inspection and/or enforcement activities if the cottage food operation is found to be in violation of California food safety laws on cottage food operations.

14. Will my CFO registration/permit allow me to sell at other retail venues? There may be health permits required to sell at other locations, such as Certified Farmers’ Markets, Swap Meets or community events. Please check with your local environmental health department for additional permit requirements.

15. How often will a CFO be inspected?

“**Class A**” CFO kitchens and food storage areas (referenced in the law as the “registered or permitted area”) are not subject to initial or routine inspections.

“**Class B**” CFO kitchens and food storage areas are inspected initially prior to permit issuance and not more than once per year.

“**Class A or B**” (**complaint inspections**) - The local environmental health agency may access, for inspection purposes, the registered or permitted area where a cottage food operation is located if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or

otherwise unsafe food has been produced by the cottage food operation or that the cottage food operation has violated California food safety laws.

16. What are CFO operational requirements? All CFOs must comply with the following:

- No domestic activity in kitchen during cottage food preparation
- No infants, small children, or pets in kitchen during cottage food preparation
- Kitchen equipment and utensils kept clean and in good repair
- All food contact surfaces and utensils washed, rinsed, and sanitized before each use
- All food preparation and storage areas free of rodents and insects
- No smoking in kitchen area during preparation or processing of cottage food A person with a contagious illness shall refrain from preparing or packaging cottage food products
- Proper hand-washing shall be completed prior to any food preparation or packaging
- Water used in the preparation of cottage food products must be potable
- Cottage food preparation activities include:
 - Washing, rinsing, and sanitizing of any equipment used in food preparation
 - Washing and sanitizing hands and arms
 - Water used as an ingredient of cottage food.

17. What has to be on my cottage food label?

All cottage food products must be properly labeled in compliance with the Federal, Food, Drug, and Cosmetic Act (**21 U.S.C. Sec. 343 et seq.**).

The label must include:

- The words “Made in a Home Kitchen” or “Repackaged in a Home Kitchen” in 12-point type.
- The name commonly used to describe the food product.
- The name city, state and zip code of the cottage food operation which produced the cottage food product. If the CFO is not listed in a current telephone directory then a street address must also be declared. (A contact phone number or email address is optional but may be helpful for consumers to contact your business.
- The registration or permit number of the CFO which produced the cottage food product and, in the case of “Class B” CFOs, the name of the county where the permit was issued.
- The ingredients of the food product, in descending order of predominance by weight, if the product contains two or more

ingredients.

- The net quantity (count, weight, or volume) of the food product, it must be stated in both English (pound) units and metric units (grams).
- A declaration on the label in plain language if the food contains any of the eight major food allergens such as milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, and soybeans. There are two approved methods prescribed by federal law for declaring the food sources of allergens in packaged foods: 1) in a separate summary statement immediately following or adjacent to the ingredient list, or 2) within the ingredient list.
- The use of the following eleven terms are considered nutrient content claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. Specific requirements have been established for the use of these terms. Please refer to the [Cottage Food Labeling Guideline](#) for more details.
- A health claim is a statement or message on the label that describes the relationship between a food component and a disease or health-related condition (e.g., sodium and hypertension, calcium and osteoporosis). Please refer to the Cottage Food Labeling Guideline for more details.
- If the label makes approved nutrient content claims or health claims, the label must contain a “Nutrition Facts” statement on the information panel.
- Labels must be legible and in English (accurately translated information in another language may also be included on the label). Labels, wrappers, inks, adhesives, paper, and packaging materials that come into contact with the cottage food product by touching the product or penetrating the packaging must be food-grade (safe for food contact) and not contaminate the food.

In a permitted retail food facility (such as a restaurant, market, or deli), cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board or in another easily accessible location that would reasonably inform the consumer that the food or an ingredient in the food has been made in a private home.

18. What is my legal responsibility as a cottage food operator in ensuring that my food product is safe? Cottage food operators and/or their employees shall not commit any act that may cause contamination or adulteration of food.

This would include making foods that are not on the approved food list and or making foods under unsanitary conditions or with spoiled or rancid ingredients.

A cottage food operation that is not in compliance with the requirements of AB



1616 and AB 1252 would be subject to enforcement action taken by the local environmental health agency and/or the California Department of Public Health.

- 19. What if I find out an ingredient I used has been recalled because it can make people sick or has been identified as the cause of food borne illness?** You should notify your local environmental health agency or CDPH immediately and do not distribute anymore product. You may need to notify your customers and request that they return or dispose of the products. For specific food recall information, you can contact CDPH at: (916) 650-6500 or email: FDBinfo@cdph.ca.gov.
- 20. What is my liability as a cottage food business operating out of my home?** You should check with your homeowner insurance company or your landlord if you are operating out of a rental property. Many homeowner insurance policies will not extend liability coverage to liabilities arising out of home-based businesses.
- 21. What other educational resources and guidelines are available to assist me in ensuring I am making a safe food product?** Please see the CDPH website or contact your local environmental health agency for guidance and resource documents or web links.
- 22. What can I do to ensure I am still meeting legal requirements if my cottage food operation grows to exceed the gross annual sales limit and/or I decide want to make another type of food product that is not on the approved food list?** Please contact CDPH for registration and facility requirements for food processors.
- 23. Where can I file a complaint about a cottage food operation or cottage food product?** You can file a complaint at the CDPH toll-free complaint line – **1-800-495-3232**.

Labeling Requirements for Cottage Food Products

Cottage food products are required to be labeled in accordance with specific state and federal labeling regulations. The following list of labeling requirements is intended to assist cottage food operations (CFOs) in complying with basic labeling laws and regulations.

Packaged, processed food labels usually have two distinct areas: the Principal Display Panel (aka: Primary Display Panel) and the Information Panel. The principal display panel information is the part of the label the consumer will see first and is usually located on the front of the package. This panel lists the product name and net quantity of contents. The information panel is usually located to the immediate right of the principle display panel and contains the nutrition facts statement. Computer generated labels affixed to cottage food products may list all required information on the principle display panel, provided that the information is displayed in a size and manner that will allow the information to be read by the average consumer.

A comprehensive guide to labeling requirements and regulations for processed foods is available at general food labeling requirements. Additionally, complete federal labeling requirements may be found in the Federal Food, Drug, and Cosmetic Act available at 21 U.S.C. Sec. 343 et seq. and 21 CFR Part 101.

Labels on cottage food products must contain the following information:

- (1) The common or descriptive name of the CFO food product located on the primary (principal) display panel.
- (2) The name, city, and zip code of the CFO operation which produced the cottage food product. If the CFO is not listed in a current telephone directory, then a street address must also be included on the label. (A contact phone number or email address is optional but may be helpful for contact in case a consumer wishes to contact you.
- (3) The words **“Made in a Home Kitchen”** or **“Repackaged in a Home Kitchen”** as applicable, in 12-point type must appear on the principal display panel. *Note: if labeled as “Repackaged in a Home Kitchen” then a description of any purchased ready-to-eat products not used as an ingredient must also be included on the label.
- (4) The registration or permit number of the CFO which produced the cottage food product and the name of the county of the local enforcement agency that issued the permit number.
- (5) The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.

- (6) The net quantity (count, weight, or volume) of the food product, stated in both English (pound) units and metric units (grams).
- (7) A declaration on the label in plain language if the food contains any of the major food allergens such as milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, and soybeans. There are two approved methods prescribed by federal law for declaring the food sources of allergens in packaged foods:
- a) in a separate summary statement immediately following or adjacent to the ingredient list, or
 - b) within the ingredient list.

See an example of a cottage food label below (principal display panel):

<p style="text-align: center;">MADE IN A HOME KITCHEN Permit #: 12345 Issued in county: County name</p> <p style="text-align: center;">Chocolate Chip Cookies With Walnuts Sally Baker 123 Cottage Food Lane Anywhere, CA 90XXX</p> <p>Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.</p> <p>Contains: Wheat, eggs, milk, soy, walnuts</p> <p style="text-align: center;">Net Wt. 3 oz. (85.049g)</p>

- (8) The use of the following eleven terms are considered nutrient content claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. The Federal Food and Drug Administration has set conditions for the use of these terms. (For details, please refer to 21 CFR Sections 101.13 and 101.54 et seq.)

For example: the term “sodium free” means that the food contains less than 5 milligrams of sodium per serving of the food.

- (9) A health claim is a statement or message on the label that describes the relationship between a food component and a disease or health-related condition (e.g., sodium and hypertension, calcium and osteoporosis). Health claims, if used, must conform to the requirements established in 21 CFR 101.14 and 101.70 et seq.
- (10) Nutrition Facts panels will generally not be required for CFOs. If the food label makes any nutrient content or health claims then a Nutrition Facts Panel is required to be incorporated into the label. Nutrition information must be declared in a “Nutrition Facts” statement as indicated in the example below. The categories that are required to be on the Nutrition Facts panel include: Calories, total fat, saturated fat, *trans* fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugar, protein, vitamin A, vitamin C, calcium and iron. The amount of *trans* fat must be declared on the nutrition facts panel unless the total fat in the food is less than 0.5 gram (or ½ gram) per serving and no claims are made about fat, fatty acid, or cholesterol content. If it is not listed, a footnote must be added stating the food is “Not a significant source of *trans* fat.”

See example of “Nutrition Facts” panel below:

Nutrition Facts			
Serving Size 1 cup (228g)			
Servings Per Container 2			
Amount Per Serving			
Calories 260		Calories from Fat 120	
		% Daily Value*	
Total Fat	13g		20%
Saturated Fat	5g		25%
Trans Fat	2g		
Cholesterol	30mg		10%
Sodium	660mg		28%
Total Carbohydrate	31g		10%
Dietary Fiber	0g		0%
Sugars	5g		
Protein 5g			
Vitamin A 4%	•	Vitamin C 2%	
Calcium 15%	•	Iron 4%	
* Percent Daily Values are based on a 2,000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs:			
	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g
Calories per gram:			
Fat 9	•	Carbohydrate 4	• Protein 4

- (11) Labels must be legible and in English (accurately translated information in another language is optional).



- (12) Labels, wrappers, inks, adhesives, paper, and packaging materials that come into contact with the cottage food product by touching the product or penetrating the packaging must be food-grade (safe for food contact) and not contaminate the food.
- (13) Whenever a cottage food product is served without packaging or labeling in a permitted retail food facility or is used as an ingredient in a preparation of a food in a retail food facility including restaurants, bakeries, or delis, the retail customer must be notified that the food product or the ingredient in the food was processed in a CFO home kitchen.



Statutory Provisions Related to Sanitary and Preparation Requirements for Cottage Food Operation

(Excerpts from the California Health and Safety (H&S) Code)

H&S 114365. (a) (1) (A) provides in pertinent part:

- (i) No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
- (ii) No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.
- (iii) Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.
- (iv) All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.
- (v) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.
- (vi) Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.

H&S 114365.2 A cottage food operation that is registered or has a permit issued pursuant to Section 114365 shall be considered a restricted food service facility for purposes of, and subject to, Sections 113953.3, 114259.5, 114285, and 114286. A cottage food operation that is registered or has a permit also shall be subject to Sections 113967, 113973, 113980, 114259.5, 114405, 114407, 114409, 114411, and 114413, and to all of the following requirements:

- (a) A person with a contagious illness shall refrain from work in the registered or permitted area of the cottage food operation.
- (b) A person involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation.
- (c) Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869, or in accordance with the local regulatory authority, except that a cottage food operation shall not be required to have an indirect sewer connection. Water used during the preparation of cottage food products includes all of the following:
 - (1) The washing, sanitizing, and drying of any equipment used in the preparation of a cottage food product.

- (2) The washing, sanitizing, and drying of hands and arms.
- (3) Water used as an ingredient.
- (d) A person who prepares or packages cottage food products shall complete a food processor course approved by the department and posted on the department's Internet Web site to protect the public health within three months of becoming registered and every three years during operation. The course shall not exceed four hours in length. A cottage food operation shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et Seq.). Additionally, to the extent permitted by federal law, the label shall include, but is not limited to, all of the following:
 - (1) The words "Made in a Home Kitchen" or "Repackaged in a Home Kitchen", as applicable, with a description of any purchased whole ready-to-eat product not used as an ingredient in 12-point type on the cottage food products' primary display panel.
 - (2) The name commonly used for the food product or an adequately descriptive name.
 - (3) The name of the cottage food operation which produced the cottage food product.
 - (4) The registration or permit number of the "Class A" or "Class B" cottage food operation, respectively, which produced the cottage food product and the name of the county of the local enforcement agency that issued the permit or registration number.
 - (5) The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients

Sections Referenced in H&S 114365.2 (above)

H&S 113953.3 - Hand Washing Procedure

- (a) Except as specified in subdivision (b), all employees shall thoroughly wash their hands and that portion, if any, of their arms exposed to direct food contact and cleanser and warm water by vigorously rubbing together the surfaces of their lathered hands and arms for at least 10 to 15 seconds and thoroughly rinsing with clean running water followed by drying of the cleaned hands and that portion, if any, of their arms exposed. Employees shall pay particular attention to the areas underneath fingernails and between the fingers. Employees shall wash their hands in all of the following instances:
 - (1) Immediately before engaging in food preparations, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
 - (2) After touching bare human body parts other than clean hands, and clean, exposed portions of arms.
 - (3) After using the toilet room.
 - (4) After caring for or handling any animal allowed in a food facility pursuant to this part.

- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (6) After handling soiled equipment or utensils.
- (7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat food.
- (9) Before initially donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.
- (b) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic hand washing facility may be used by food employees to clean their hands.

H&S 113967 - Food Contamination by Employees

No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.

H&S 113973 - Use of Gloves

- (a) Single-use gloves shall be worn when contacting food and food-contact surfaces if the employee has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or fingernails that are not clean, smooth, or neatly trimmed.
- (b) Whenever gloves are worn, they shall be changed, replaced, or washed as often as hand washing is required by this part. Single-use gloves shall not be washed.
- (c) If used, single-use gloves shall be used for only one task, such as working with ready-to-eat food or with raw food of animal origin, used for no other purpose, and shall be discarded when damaged or soiled, or when interruptions in the food handling occur.
- (d) Except as specified in subdivision (e), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used only with food that is subsequently cooked as specified in Section 114004, such as frozen food or a primal cut of meat.
- (e) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.
- (f) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked.

H&S 113980 - Requirements for Food

All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and

spoilage; shall have been obtained from approved sources; shall be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)).

H&S 114259.5 - Prohibiting Animals

- (a) Except as specified in subdivision (b), live animals may not be allowed in a food facility.
- (b) Live animals may be allowed in any of the following situations if the contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result:
 - (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacean in display tank systems.
 - (2) Animals intended for consumption if the live animals are kept separate from all food and utensil handling areas, are held in sanitary conditions, are slaughtered in a separate room designed solely for that purpose and separated from other food and utensil handling areas, and maintained in an area that has ventilation separate from food and utensil handling areas.
 - (3) Dogs under the control of a uniformed law enforcement officer or of uniformed employees of private patrol operators and operators of a private patrol service who are licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while those employees are acting within the course and scope of their employment as private patrol persons.
 - (4) In areas that are not used for food preparation and that are usually open for consumers, such as dining and sales areas, service animals that are controlled by a disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal.
 - (5) Pets in the common dining areas of restricted food service facilities at times other than during meals if all of the following conditions are satisfied:
 - (A) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas.
 - (B) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present.
 - (C) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.
 - (6) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.
 - (7) If kept at least 20 feet (6 meters) away from any mobile food facility, temporary food facility, or certified farmers' market.
- (c) Those persons and operators described in paragraphs (3) and (4) are liable for any damage done to the premises or facilities by the dog.

- (d) Live or dead fish bait may be stored if contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result.

H&S 114285 - Private homes and living or sleeping quarters, use prohibition

- (a) Except as specified in subdivision (b), a private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be used for conducting food facility operations.
- (b) (1) Nonperishable, prepackaged food may be given away, sold, or handled from a private home. No food that has exceeded the labeled shelf life date recommended by the manufacturer shall be deemed to be nonperishable food.
- (2) For purposes of this subdivision, "nonperishable food" means a food that is not a potentially hazardous food, and that does not show signs of spoiling, becoming rancid, or developing objectionable odors during storage at ambient temperatures.
- (c) Restricted food service facilities are exempt from subdivision (a) provided that no sleeping accommodations shall be allowed in any area where food is prepared or stored.

H&S 114286 - Living or sleeping quarters, separation

- (a) No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.
- (b) Living or sleeping quarters located on the premises of a food facility shall be separated from rooms and areas used for food facility operations by complete partitioning. Except for restricted food service facilities, no door or other opening shall be permitted in the partition that separates the food facility from the living or sleeping quarters.

H&S 114405 - Permit Suspension or Revocation

- (a) A permit may be suspended or revoked by a local enforcement officer for a violation of this part. Any food facility or cottage food operation for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility or cottage food operation for which the permit has been revoked shall close and remain closed until a new permit has been issued.
- (b) Whenever a local enforcement officer finds that a food facility or cottage food operation is not in compliance with the requirements of this part, a written notice to comply shall be issued to the permit holder. If the permit holder fails to comply, the local enforcement officer shall issue to the permit holder a notice setting forth the acts or omissions with which the permit holder is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or revoked. A written request for a hearing shall be made by the permit holder within 15 calendar days after receipt of the notice. A failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process.

(c) The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. Upon written request of the permit holder, the hearing officer may postpone any hearing date, if circumstances warrant the action.

H&S 114407 – Notice of Decision

The hearing officer shall issue a written notice of decision to the permit holder within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permit holder is charged, and shall state the terms of the suspension or that the permit has been revoked.

H&S 114409 – Immediate Closure

(a) If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.

(b) Whenever a permit is suspended as the result of an imminent health hazard, the enforcement officer shall issue to the permit holder a notice setting forth the acts or omissions with which the permit holder is charged, specifying the pertinent code section, and informing the permit holder of the right to a hearing.

(c) At any time within 15 calendar days after service of a notice pursuant to subdivision (b), the permit holder may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to a hearing.

H&S 114411 - Serious or Repeated Violations, Interference

The enforcement agency may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any requirement of this part or for interference in the performance of the duty of the enforcement officer.

H&S 114413 – Permit Reinstatement or Reissuance

A permit may be reinstated or a new permit issued if the enforcement agency determines that the conditions that prompted the suspension or revocation no longer exist.



Cottage Food Operator Training

Any person who prepares or packages cottage food must complete a food processor course within three months of becoming registered or permitted and every three years during operation. The California Department of Public Health (CDPH) has identified training that you may take that will satisfy the training requirement specified in California Health and Safety Code section 114365.2(d).

Cottage food operators (CFOs), their employee, and any household member that is involved in the preparation or packaging of cottage foods may take one of the American National Standards Institute (ANSI) accredited food handler courses that are currently required for retail food facility food handlers. The courses are available on-line or via a classroom in a variety of languages for a minimal cost. After successfully completing the course, you will receive a food handler card or certificate, which you need to retain as proof that you completed the required training. You must present a copy of this card or certificate for each person involved in preparing cottage foods to your local enforcement agency upon their request, to verify that the training requirement has been completed. Additionally, CFO's and their employees must complete the accredited food handler course every three years during operation.

You can access a list of available food-handler training courses at the following website:

[ANSI Accreditation](https://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=212&prgID=228&prgID1=238&status=4)

(<https://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=212&prgID=228&prgID1=238&status=4>)