



OLR RESEARCH REPORT

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COTTAGE FOOD LAW

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You asked about Connecticut law related to cottage food.

SUMMARY

“Cottage foods” are foods that people prepare in their home kitchens and then sell. Connecticut does not generally allow the sale of cottage foods. State law generally requires all food for sale to be prepared in commercial kitchens, with limited exceptions. The exceptions include (1) certain foods sold at residential farms, including jams, jellies, preserves, maple syrup, and acidified food products (such as pickles, salsa, and hot sauce) and (2) food sold at a bake sale or similar event by someone not regularly engaged in selling food.

GENERAL PROHIBITION ON SALE OF HOME-MADE FOOD

Connecticut law generally prohibits the sale of home-made food. The Connecticut Food, Drug, and Cosmetic Act prohibits the sale of adulterated food (CGS § [21a-93](#)). It considers any food adulterated if, among other things, it has been produced, prepared, packed, or held under unsanitary conditions where it may have become contaminated with filth or been rendered diseased, unwholesome, or injurious to health (CGS § [21a-101](#)). Implementing regulations establishing sanitary standards prohibit operating a food establishment in any room or area used for residential purposes (Conn. Agencies Reg. § 21a-101-3(f)(3)).

Regulations generally require all food products to have been prepared in a commercial food processing establishment. But the director of the Department of Consumer Protection's (DCP) Division of Food and Standards may permit food production in other places that he deems satisfactory and which comply with applicable state and local laws and regulations (Conn. Agencies Reg. § 21a-101-7(h)).

The Public Health Code sets sanitary standards for food service establishments. The code prohibits operations connected with a food service establishment from being conducted in a room used as living or sleeping quarters (Conn. Agencies Reg. §§ 19-13-B40(j), 19-13-B42(q), and 19-13-B49(q)).

EXCEPTIONS

Foods Prepared at Residential Farms

Jams, Jellies, Preserves, and Acidified Foods. Under certain conditions, the law allows the sale of jams, jellies, preserves, and acidified food products on a residential farm. Any such food or food product must bear a label stating that it was not prepared in a government inspected kitchen.

The law applies to food prepared (1) with fruit or vegetables grown on the farm and (2) in a room on the farm that is used as living quarters. The food must also have a pH value of 4.6 or less. Foods prepared and sold in this way are exempt from any state or local agency inspection.

To qualify for this exemption, acidified food products must also meet the following preparation criteria:

1. the farm's water must come from a (a) public water supply system or (b) private well that tests negative for coliform bacteria, but the local health department or Department of Public Health (DPH) can require retesting if it suspects coliform bacteria contamination;
2. a laboratory performs a pH test of the food product after the product recipe is completed;
3. use of the kitchen where the acidified food is prepared is restricted from non-processing people, pets, children, or any other potential contaminants during preparation; and
4. the food preparer has documentation showing successful completion of an (a) examination on safe food handling techniques

administered by an organization approved by DPH for qualified food operators or (b) approved course on safe food processing techniques administered by a DCP-approved organization. Such documentation must be made available to the local health department or DCP upon request.

For purposes of the exemption, acidified food products include pickles, salsa, and hot sauce. They do not include food consisting in whole or part of milk, milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms (CGS § [21a-24a](#)).

Maple Syrup. The law also allows the preparation and sale of maple syrup at residential farms in rooms used as living quarters. This activity is exempt from state or local inspection. Each syrup container must have a label indicating that it was not prepared in a government-inspected kitchen (CGS § [21a-24b](#)).

Bake Sales or Similar Events

Regulations adopted under the Food, Drug, and Cosmetic Act cannot prohibit the sale of food at a noncommercial function like an educational, religious, political, or charitable organization's bake sale or pot luck supper. For this purpose, a "noncommercial function" is one in which the food is sold by someone who is not regularly engaged in selling food. The seller must keep the food under the temperature, pH, and water activity levels that will inhibit the rapid and progressive growth of infectious or toxigenic microorganisms (CGS § [21a-115](#)).

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