



Idaho Regulations for Selling Cottage Foods

What Is Cottage Food?

Under the Idaho Food Code (IDAPA 16.02.19), “cottage foods” are edible products made in a person’s home or another designated location and sold directly to consumers. They include low-risk foods, which the code defines as products that do not require time and temperature controls for safety (also called “non-TCS foods”). These do not support the growth of harmful bacteria and hence do not require refrigeration.

Non-TCS cottage foods include

- Baked goods*
- Cakes, pastries, and cookies*
- Candies and confections*
- Fruit pies*
- Bread*
- Fruit jams and jellies
- Honey
- Dried fruits
- Dry herbs, seasonings, and mixtures
- Cereals
- Nuts, trail mixes, and granola
- Vinegar
- Popcorn and popcorn balls
- Tinctures that do not make medicinal claims

*Only applies to foods that require no refrigeration

Cottage foods do not include

- Low-acid canned foods (e.g., canned fruits, vegetables, meat, and pie fillings)
- Fermented foods (e.g., cheese and yogurt)
- Acidified foods (e.g., pickled products and canned salsa)

If you want to produce any of the above-listed products, you must do it in a commercial kitchen, rather than at home.

For the most current list of non-TCS foods, please check the Idaho Department of Health and Welfare’s (IDHW) Food Protection Program website at <https://publicdocuments.dhw.idaho.gov/WebLink/DocView.aspx?id=1529&dbid=0&repo=PUBLIC-DOCUMENTS&cr=1>.

Selling Cottage Foods

Local public health districts and the IDHW do not require cottage food producers to obtain a food-establishment permit or license. However, cottage food operations must have a sales tax permit and may need a business license, depending on the city or county in which they are based.

Cottage foods may be sold in any venue as long as sales are *direct to the final consumer within the state of Idaho*. Accepted sales venues include farmers markets, home sales, roadside stands, personal deliveries, or a delivery service. Products may also be sold online or by mail order, if the sales are made within Idaho.

Idaho cottage food laws do not cover producers if any of the following apply:

- Products do not qualify as a cottage food
- Products are sold outside Idaho
- Products are sold to retailers, distributors, or brokers

Food establishments not covered under Idaho cottage food laws must be regulated and comply with the Idaho Food Code. In this case, you must secure a food-establishment permit from a local public health district before producing and selling your products.

PLEASE NOTE: This handout does not offer or substitute for legal advice. For more information: CALS-RuralStudies@uidaho.edu.

Cottage Food Risk Assessment

Idaho law does not require cottage food producers to obtain a food-establishment permit from their local public health district. However, different sales venues have the right to establish their own rules and policies. These may require you to show that you have consulted with the district. For this reason, we recommend that you first complete a Cottage Foods Risk Assessment Form; second, have it signed by an environmental health specialist from the local health district that covers the county where your product will be processed. There is no fee for this form, which can be found at <https://publicdocuments.dhw.idaho.gov/WebLink/DocView.aspx?id=1528&dbid=0&repo=PUBLIC-DOCUMENTS&cr=1>.

Cottage Food Labels

Idaho cottage food producers are not required to follow all Food and Drug Administration labeling requirements, but cottage food labels must include:

- The name of your business and its contact information
- A statement that the food was prepared in a home kitchen not subject to regulation and inspection by a regulatory authority
- A statement indicating that the food may contain allergens

Although not required, it is good business practice to also include

- A statement of the product's identity, net quantity, and production date
- A list of ingredients arranged in descending order by weight
- A disclosure of any of the food allergens listed under the Food Allergen Labeling and Consumer Protection Act¹.

Cottage food producers that wish to sell products as “organic,” “gluten-free,” or make any other special claims may be subject to additional labeling requirements and regulations.

As you start your new food business, you must understand the rules and regulations of the Idaho Food Code. Remember: food safety is a shared responsibility between the food businesses and the government. Both groups must work together to ensure the safety of the consumer.

For more information, please visit the IDHW website at <https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>, which also offers the health district's contact information.

¹ Federal law identifies eight foods as major food allergens: milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybean. If your recipe includes any of these allergens, inform consumers about it. On April 23, 2021, the Food Allergy Safety, Treatment, Education, and Research (FASTER) Act was signed into law, declaring sesame as the ninth major food allergen recognized by the United States. This change will become effective on January 1, 2023. From that date, if your recipe includes sesame, add this information to your food item's label list as an allergen.

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