

SellFood.com

Cottage Food Law Guide

2026 Edition · All 50 States

50

States Covered

5

Key Topics

100%

Free to Use

INFORMATIONAL PURPOSES ONLY — NOT LEGAL ADVICE This guide summarizes general cottage food law principles as of early 2026. Laws change frequently. Always verify current requirements with your state's Department of Agriculture or Department of Health before selling. SellFood.com is not a law firm and this guide does not constitute legal advice.

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What Is Cottage Food Law?

Cottage food laws are state-level exemptions that allow individuals to produce and sell certain low-risk foods from their home kitchens **without needing a commercial kitchen license, a food establishment permit, or regular health inspections**. These laws recognize that home bakers, jam makers, and small food producers present a minimal public health risk when selling non-perishable, shelf-stable products.

As of 2026, all 50 U.S. states have some form of cottage food exemption — though the rules vary dramatically from state to state. Some states (like Wyoming, Missouri, and South Carolina) have virtually no restrictions. Others (like Washington, Connecticut, and New Jersey) require state licensing, kitchen inspections, and strict revenue caps.

Why These Laws Exist

- Support small food entrepreneurs with low startup costs
- Preserve traditional food-making practices
- Allow home kitchens to operate without commercial overhead
- Stimulate local food economies and farmers markets
- Recognize that shelf-stable foods pose minimal health risk

Key 2025–2026 Trends

- Revenue caps rising — TX now \$150K, FL \$250K
- 9+ states now allow TCS (refrigerated) foods
- Online sales now permitted in most states
- "Food Freedom" movement eliminating caps entirely
- Interstate sales expanding (North Dakota first state to allow)

■ **Cottage food laws change every year. New legislation is passed in multiple states annually. The information in this guide reflects laws as of early 2026 — always verify with your state agency before beginning to sell.**

The Two Types of Cottage Food States

Type	Description	Examples	Ease
Permissive (Food Freedom)	No permit, no cap, no inspection. Sell anything shelf-stable, anywhere, to anyone.	Wyoming, Missouri, South Carolina, Oklahoma, Kansas	Very Easy
Moderate	Revenue caps (\$20K–\$150K). No permit required. Online sales typically allowed.	Texas, Florida, Georgia, Tennessee, Indiana, Arizona	Easy
Regulated	State or county registration required. Training and/or inspection may be required.	California, Minnesota, Oregon, Nevada, Illinois	Moderate

Restrictive	Full state license required. Kitchen inspection mandatory. Low or no online sales.	Washington, Connecticut, New Jersey, New York, Pennsylvania	Difficult
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The 5 Things Every Seller Must Know

01 Your State Law Is the Final Word

Federal law does not govern cottage food — it's entirely state-by-state. What's legal in Texas may be prohibited in New York. Before selling a single item, look up your specific state's current cottage food statute and verify the allowed product list, revenue cap, and registration requirements.

02 You Must Label Every Product

Almost every state requires a label with at minimum: your name and address, product name, ingredient list, allergen warnings, net weight, and a cottage food disclaimer statement. Missing a required label element can result in fines or being barred from a farmers market. See Section 04 for the complete labeling checklist.

03 Revenue Caps Are Real — Track Your Sales

Many states impose annual revenue caps ranging from \$5,000 (Colorado) to \$250,000 (Florida). Exceeding your state's cap — even accidentally — can result in fines and may require you to obtain a commercial food license. Keep a simple spreadsheet of every sale from Day 1.

04 Not All Foods Are Allowed

Cottage food laws generally apply to shelf-stable, non-perishable foods. Anything requiring refrigeration (cream-filled pastries, custards, cheesecakes) is typically prohibited. Acidified foods like pickles and hot sauce require pH testing and are banned in many states. When in doubt, don't sell it without verifying.

05 Local Rules Can Be Stricter Than State Rules

Even if your state allows cottage food sales, your city or county may have additional zoning restrictions, business license requirements, or farmers market permit rules. Always check with your local health department and city/county government in addition to your state's rules.

What You Can (and Cannot) Sell

The golden rule of cottage food: **if it needs refrigeration to stay safe, it's almost certainly not allowed.** Cottage food laws are designed for shelf-stable, non-perishable products that pose minimal public health risk. Below are the major product categories and how widely they're permitted.

Baked Goods	47 states	Breads, cookies, cakes, brownies, muffins, pies (non-cream), donuts, pastries
Jams & Jellies	44 states	Fruit jams, jellies, preserves with sugar (pH ≤ 4.6). NOT low-acid or fermented.
Candy & Confections	42 states	Hard candy, fudge, brittle, caramel (no cream filling), chocolate bark
Dry Goods & Mixes	40 states	Spice blends, dry soup mixes, granola, trail mix, roasted nuts, coffee
Honey & Maple Syrup	45 states	Raw and processed honey, maple syrup — usually treated separately from cottage food
Pickled / Acidified	~18 states	Pickles, sauerkraut, hot sauce — HIGH RISK category. Requires pH testing. Prohibited in many states.

■ **NEVER ALLOWED under cottage food law: Raw meat or poultry, raw seafood, unpasteurized dairy or juice, alcoholic beverages, or any food requiring time/temperature control that you're not certified to produce.**

High-Risk Foods Requiring Extra Steps

■ Jams with low sugar / low pH	Must follow t
■ Pickles & fermented foods	Require pH t
■ Hot sauce & salsa	Acidified proo
■ Cream-filled pastries / custards	Require refrig
■ Cheesecakes	Require refrig

Labeling Requirements

Proper labeling is non-negotiable. Inspectors at farmers markets check labels, and buyers deserve accurate ingredient and allergen information. Every cottage food product sold must have a label with the following required elements. (**Note:** some states require additional fields — check your state's specific requirements.)

Required Element	Details & Notes
■ Product Name	The common or usual name of your product
■ Your Full Name	First and last name of the cottage food operator
■ Your Address	Home address (some states allow omission for privacy; check your state)
■ Net Weight / Volume	e.g. 8 oz (227g) — use both imperial and metric
■ Ingredients List	All ingredients in descending order by weight
■ Allergen Statement	Bold the top 9 allergens: Milk, Eggs, Fish, Shellfish, Tree Nuts, Peanuts, Wheat, Soybeans, Sesame
■ Cottage Food Disclaimer	Required exact wording varies by state — see state-specific guides
■ "Not for Resale" (some states)	Required in MN, CA (Class A), and others — check your state

Sample Compliant Label

STRAWBERRY BASIL JAM

8 oz (227g)

Ingredients: Strawberries, Cane Sugar, Lemon Juice (citric acid), Pectin

Contains: None of the top 9 allergens

Produced by: Maria Rodriguez · 142 Oak St, Austin TX 78701

"This product was made in a home kitchen that is not inspected by the state or local health department."

■ **SellFood.com's free Label Creator tool generates state-compliant labels automatically. Just enter your product info and download a print-ready label — no design skills required.**

Revenue Caps & Business Structure

Most states impose an annual revenue cap — the maximum gross sales you can make under cottage food law in a calendar year. Once you exceed this limit, you must obtain a commercial food processing license and operate from a licensed kitchen. Here's what you need to know:

No Cap

Food Freedom States

Wyoming · Missouri · South Carolina · South Dakota · Oklahoma · Kansas · Maine · Michigan · Idaho · New Hampshire · North Dakota*

\$100K–\$250K

High-Ceiling States

Florida (\$250K) · Texas (\$150K) · California (\$172K*) · Kentucky (\$60K) · New Mexico (\$60K) · Minnesota (\$78K) · Montana (\$35K)

\$25K–\$75K

Mid-Range States

Georgia (\$50K) · Tennessee (\$50K) · Arizona (\$75K) · Iowa (\$50K) · Oregon (\$50K) · Indiana (\$25K) · Ohio (\$25K) · Wisconsin (\$25K)

Under \$25K






Low-Cap / Restrictive States

Colorado (\$5K) · Arkansas (\$20K) · North Carolina (\$20K) · Louisiana (\$20K) · Vermont (\$30K) · Washington (\$35K)

Tracking Your Revenue

- Record every sale immediately — include date, product, quantity, and price
- Track gross revenue (before expenses), not profit — caps apply to total sales
- The cap resets on January 1 each year (or your state's fiscal year start)
- When you reach ~80% of your cap, plan your next steps: commercial kitchen, licensed facility, or restructure
- Some states count all cottage food income across all platforms combined — not per-venue
- SellFood.com's seller dashboard automatically tracks your platform revenue toward your cap

Where Can You Sell?

	<p>Most universally permitted channel. Buyers come to you — or you deliver locally. Allowed in all 50 states with a cottage food law. Some states require the seller to be present at point of sale.</p>
	<p>Permitted in nearly all states. Some farmers markets have their own additional rules (liability insurance, separate vendor permit, product pre-approval). Always check with the market organizer in addition to state law. <small>~48 states</small></p>
	<p>Now permitted in most states, but rules vary widely. Most states require the buyer and seller to be in the same state. North Dakota is among the first to allow true interstate shipping. Washington state does NOT allow online sales. <small>~42 states</small></p>
	<p>Only a handful of states allow cottage food sales to retail stores or restaurants without additional licensing. South Carolina and a few others stand out. Most states require a commercial food license for B2B sales. <small>~8 states</small></p>
	<p>Allowed in states that permit online sales, but the interstate commerce issue applies. Texas (SB 541, 2025) specifically expanded to allow third-party vendor platforms. Always check if the platform itself permits food sales. <small>~25 states</small></p>

■ **SellFood.com is an online marketplace — before listing, confirm that your state permits online cottage food sales. We provide state-specific guidance in your seller dashboard.**

All 50 States — Quick Reference

The table below summarizes key data for all 50 states. **Verify all information with your state's official source before selling** — laws change and this table may not reflect the most recent amendments.

State	Revenue Cap	Permit / Reg.	Online Sales	Ease
Alabama	\$25K	None	Yes	★★★★★
Alaska	\$25K	None	Limited	★★★★
Arizona	\$75K	None	Yes	★★★★★
Arkansas	\$20K	None	Yes	★★★★
California	\$172K*	County Reg.	Yes	★★★
Colorado	\$5K	None	Limited	★★★
Connecticut	Varies	State Lic.	Limited	★★
Delaware	\$25K	Reg. Req.	Limited	★★★
Florida	\$250K	None	Yes	★★★★★
Georgia	\$50K	None	Yes	★★★★
Hawaii	\$50K	Reg. Req.	Limited	★★★
Idaho	None	None	Yes	★★★★★
Illinois	\$50K	County Reg.	Yes	★★★
Indiana	\$25K	None	Yes	★★★★
Iowa	\$50K	Reg. Opt.	Yes	★★★★
Kansas	None	None	Yes	★★★★★
Kentucky	\$60K	None	Limited	★★★★
Louisiana	\$20K	None	Limited	★★★
Maine	None	None	Yes	★★★★★
Maryland	Varies	Reg. Req.	Limited	★★★
Massachusetts	Varies	State Lic.	Limited	★★
Michigan	None	Reg. Opt.	Yes	★★★★★
Minnesota	\$78K	Reg. Req.	Limited	★★★
Mississippi	\$25K	None	Yes	★★★★
Missouri	None	None	Yes	★★★★★
Montana	\$35K	None	Yes	★★★★

State	Revenue Cap	Permit / Reg.	Online Sales	Ease
Nebraska	\$25K	None	Yes	★★★★
Nevada	\$35K	Reg. Req.	Limited	★★★
New Hampshire	None	None	Yes	★★★★★
New Jersey	Varies	State Lic.	Limited	★★
New Mexico	\$60K	Reg. Req.	Yes	★★★
New York	Varies	State Lic.	Limited	★★
North Carolina	\$20K	None	Limited	★★★
North Dakota	\$50K	None	Yes*	★★★★★
Ohio	\$25K	None	Yes	★★★★
Oklahoma	None	None	Yes	★★★★★
Oregon	\$50K	Reg. Req.	Yes	★★★
Pennsylvania	Varies	State Lic.	Limited	★★
Rhode Island	\$25K	None	Limited	★★★
South Carolina	None	None	Yes	★★★★★
South Dakota	None	None	Yes	★★★★★
Tennessee	\$50K	None	Yes	★★★★
Texas	\$150K	None	Yes	★★★★★
Utah	\$20K	Reg. Req.	Yes	★★★
Vermont	\$30K	None	Limited	★★★★
Virginia	\$25K	None	Limited	★★★
Washington	\$35K	State Lic.	No	★★
West Virginia	\$25K	None	Limited	★★★
Wisconsin	\$25K	None	Limited	★★★
Wyoming	None	None	Yes	★★★★★

* California cap is inflation-adjusted annually by CPI. Figures shown are approximate 2025 values. * North Dakota now permits interstate shipping (SB 2386, 2025). Ease rating is subjective and based on registration requirements, caps, and online sales permissions.

How to Verify Your State's Laws

This guide gives you a solid foundation — but the official source is always your state government. Here's a step-by-step process for verifying your state's current requirements:

Step 1

Find Your State Agency

Step 2

Read the Current Statute

Step 3

Check for County/City Rules

Step 4

Call If Unsure

Step 5

Set a Reminder to Re-Verify

Key Official Resources

National Agricultural Law Center

nationalaglawcenter.org

Tracks cottage food law changes by state

USDA Agricultural Marketing Service

ams.usda.gov

Federal food safety guidance and resources

Your State Dept. of Agriculture

[\[state\].gov/agriculture](http://[state].gov/agriculture)

Your primary regulatory authority

Your State Dept. of Health

[\[state\].gov/health](http://[state].gov/health)

Regulates cottage food in some states

Cooperative Extension Service

extension.org

Free food safety training and state-specific guides




SellFood.com State Law Hub

sellfood.com/laws

Our curated, regularly updated state guide pages

Grow Your Business with SellFood.com

SellFood.com is built specifically for cottage food sellers. We handle the platform, payments, compliance tools, and audience — so you can focus on making great food.

 <p>Free Label Creator</p>	<p>Generate state-compliant labels in minutes. Enter your product info and download a professional, print-ready label ready to use forever.</p> <p>With-In Marketplace</p>	<p>List your products, and we'll automatically find you customers looking for art...</p>
 <p>Sales Tracking Dashboard</p>	<p>Track your revenue against your state's cap in real time. Get alerts at 80% and 100% so you never accidentally exceed your limit.</p> <p>State Law Updates</p>	<p>We monitor changes in state laws and notify you so you're never out of compliance.</p>
 <p>Secure Payments</p>	<p>Stripe-powered payments with automatic payouts to your bank account. Full transaction history for tax reporting.</p> <p>Seller Community</p>	<p>Connect with other sellers for tips, recipes, and guidance.</p>

Ready to start selling?

Join thousands of cottage food sellers on SellFood.com. Sign up free — no credit card required.

sellfood.com/signup

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