



COLORADO

Division of Environmental
Health & Sustainability

Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Colorado Cottage Foods Act Fact Sheet

This Fact Sheet was developed to provide guidance to cottage food operators as to what can and cannot be produced in a home kitchen under the provisions of the "Colorado Cottage Foods Act." This fact sheet is provided by the Colorado Department of Public Health and Environment (CDPHE), Division of Environmental Health & Sustainability. Additional information about the Act may be obtained by visiting www.colorado.gov/cdphe/cottage-foods-act

1. What is the effective date of the law?

The original law became effective March 15, 2012. Amendments were made and passed during the 2013 and 2015 legislative sessions. The most recent changes became effective on August 5, 2015. Copies of the individual laws and the entire Act can be found at www.colorado.gov/cdphe/cottage-foods-act

2. What foods can be produced and sold under this law?

A producer is permitted to sell only a limited range of foods that they have produced, processed, or packaged that are "non-potentially hazardous", meaning they do not require refrigeration to maintain product integrity and safety. These foods are divided into two tiers:

- Tier one foods are limited to spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, flour, and baked goods, including candies, fruit empanadas and tortillas.
- Tier two foods are limited to pickled vegetables that have an equilibrium pH value of 4.6 or lower.

IMPORTANT NOTE: The Tier 2 products cannot be produced until regulations are developed by the Colorado Department of Public Health and Environment and approved by the State Board of Health. The anticipated effective date of the regulations is Spring/Summer 2016.

3. What baked goods are allowed?

Only limited types of baked goods are allowed. Certain baked goods are actually "potentially hazardous" meaning illness causing bacteria can grow and cause people to get sick if not held at proper temperatures. Some examples include pumpkin and cream pies, cheesecakes and cream filled pastries.

4. Are fruit and vegetables allowed?

Raw, uncut fruits and vegetables can be sold in Colorado without registering or obtaining a food license or permit. Check with your local government entity to determine if any local business licenses are required.

5. Can value added fruits and vegetables now be sold without a retail license or wholesale food registration? (*"Value added" means prepared, washed, cut and/or bagged fruits or vegetables.*)

No. Products are limited to those listed in the Act. Individuals wanting to produce products outside of what is allowed under this Act would need to contact CDPHE at (303) 692-3645 to determine the necessary requirements for producing those foods. Additional information can be found at www.colorado.gov/pacific/cdphe/wholesale-food-manufacturing-and-storage

6. What are the requirements for selling whole eggs?

The number of eggs that can be sold is limited to 250 dozen per month (40 cases per week). The package must be labeled with:

- The address at which the eggs originated;
- The packaging date;
- Any eggs not treated for *Salmonella* must also include the following statement on the package:
 “Safe Handling Instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook any foods containing eggs thoroughly.”
- The package must also have “These eggs do not come from a government-approved source.”

Additional information can be found at www.colorado.gov/pacific/aginspection/egg-producers

7. Do the foods sold need to be packaged?

Yes. Foods sold under this Act must be packaged and have an affixed label that contains the following information:

- Product name;
- The producer’s name, the address where the food was prepared, and the producer’s current telephone number or email address;
- The date on which the food was produced;
- A complete list of ingredients; and
- This disclaimer: “This product was produced in a home kitchen that is no subject to state licensure or inspection and that may also process common food allergens, such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish. This product is not intended for resale.”

8. Where and to whom can the foods permitted by the Act be sold?

Senate bill 15-085 changed this provision to not be specific to a location but still requires foods to be sold to the end user. Cottage Foods are still prohibited from being sold to restaurants, grocery stores or an entity for further distribution or sale.

9. Is a local public health agency required to provide a food safety course for cottage food producers?

No; the Act requires the cottage food producer to take a food safety course that includes basic food handling training and is comparable to, or is a course given by, Colorado State University (CSU) Extension Service or a state or district public health agency. The intent is to give the producer the opportunity to take any of the courses now offered. It is not intended to have new training programs started or modify any existing course that is offered.

10. Do cottage food producers need pre approval prior to initiating their operation?

Not at this time for Tier 1 foods (See question #2). However, once regulations are developed for the allowance of the Tier 2 foods, a registration for those types of operations will be required.

11. How is the net revenue determined? Is it by broad category, i.e., baked goods or is each individual product capped at \$10,000 annually?

Each individual flavor of jam, type of spice, type of cake, etc., would represent a distinct revenue stream of \$10,000.

12. What actions should be taken if disallowed or unapproved foods are produced?

If CDPHE or a local public health agency becomes aware of a person operating outside of the provision of the “*Colorado Cottage Foods Act*” and producing foods that are not allowed as listed in section 25-4-1614(2)(b), C.R.S., under their authorities in the *Colorado Pure Food and Drug Law*, section 25-5-406, C.R.S., they may embargo and/or condemn the product in question.

Additionally, a local public health agency (LPHA) may utilize the enforcement provisions of the *Food Protection Act* under 25-4-1610, *Unlawful acts*, specifically paragraph (b) of that section, which disallows the operation of a retail food establishment without a valid license.