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Cottage Food Law Statutes:

*Michigan*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

# A National Agricultural Law Center Research Publication

## Cottage Food Laws: Michigan

### Michigan Compiled Laws Annotated § 289.1105. Definitions

(1) As used In this act:

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- (j) “Cottage food operation” means a person who produces or packages cottage food products only in a kitchen of that person's primary domestic residence within this state.
- (k) “Cottage food product” means a food that is not potentially hazardous food as that term is defined in the food code. Examples of cottage food product include, but are not limited to, jams, jellies, dried fruit, candy, cereal, granola, dry mixes, vinegar, dried herbs, and baked goods that do not require temperature control for safety. Cottage food product does not include any potentially hazardous food regulated under 21 CFR parts 113 and 114, examples of which include, but are not limited to, meat and poultry products; salsa; milk products; bottled water and other beverages; and home-produced ice products. Cottage food product also does not include canned low-acid fruits or acidified vegetables and other canned foods except for jams, jellies, and preserves as defined in 21 CFR part 150.

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**History:** 2000, Act 92, Eff. Nov. 8, 2000 ;-- Am. 2007, Act 113, Eff. Apr. 1, 2008 ;-- Am. 2008, Act 338, Imd. Eff. Dec. 23, 2008 ;-- Am. 2010, Act 113, Imd. Eff. July 12, 2010 ;-- Am. 2012, Act 178, Eff. Oct. 1, 2012 ;-- Am. 2014, Act 516, Imd. Eff. Jan. 14, 2015

### Michigan Compiled Laws Annotated § 289.4102. Cottage food operation; exemption from licensing and evaluation provisions; requirements

- (1) A cottage food operation is exempt from the licensing and evaluation provisions of this act. This exemption does not include an exemption from the adulteration and other standards imposed in this section or under this act, or both, and does not limit the ability of the department to take appropriate enforcement action for applicable violations as described in section 5101.1 This subsection does not require a cottage food operation to meet the standards contained in 21 CFR part 110 or the food code.
- (2) Cottage food products shall be prepackaged and properly labeled prior to sale.
- (3) At a minimum, a cottage food operation shall place on the label of any food it produces or packages the following information:
  - (a) The name and address of the business of the cottage food operation.
  - (b) The name of the cottage food product.
  - (c) The ingredients of the cottage food product, in descending order of predominance by weight.
  - (d) The net weight or net volume of the cottage food product.



- (e) Allergen labeling as specified by federal labeling requirements.
  - (f) If any nutritional claim is made, appropriate labeling as specified by federal labeling requirements.
  - (g) The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: “Made in a home kitchen that has not been inspected by the Michigan department of agriculture and rural development.”.
- (4) Cottage food products may be sold directly from the cottage food operation to the consumer only, and not by internet or mail order. Sales by consignment or at wholesale are prohibited.
- (5) The gross sales of cottage food products by a cottage food operation shall not exceed \$20,000.00 annually until December 31, 2017. After December 31, 2017, the gross sales of cottage food products by a cottage food operation shall not exceed \$25,000.00 annually. For the purposes of this subsection, gross sales shall be computed on the basis of the amount of gross sales within or at a particular domestic residence and shall not be computed on a per-person basis within or at that domestic residence. The department may request in writing documentation to verify the annual gross sales figure.
- (6) Cottage food products shall be stored only in the primary domestic residence.
- (7) An exemption under this section does not affect the application of any other state or federal laws or any applicable ordinances enacted by any local unit of government.

**History:** Add. 2010, Act 112, Imd. Eff. July 12, 2010 ; -- Am. 2012, Act 178, Eff. Oct. 1, 2012

