



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

Cottage Food Law Statutes:

Idaho



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: Idaho

Idaho Admin. Code r. 16.02.19.001

Idaho Admin. Code r. 16.02.19.110

Idaho Admin. Code r. 16.02.19.001 – Title, Scope and Applicability

...

- 04. These Rules Do Not Apply to These Establishments.** These rules do not apply to the following establishments as exempted in Idaho Code.
- a. Agricultural markets as exempted in Section 39-1602, Idaho Code.
 - b. Bed-and-breakfast operations that prepare and offer food for breakfast only to guests. The number of guest beds must not exceed ten (10) beds as defined in Section 39-1602, Idaho Code.
 - c. Day care facilities regulated by Sections 39-1101 through 39-1119, Idaho Code.
 - d. Licensed outfitters and guides regulated by Sections 36-2101 through 36-2119, Idaho Code.
 - e. Low-risk food establishments, as exempted in Section 39-1602, Idaho Code, which offer only non-time/temperature control for safety (non-TCS) foods.
 - f. Farmers market vendors and roadside stands that only offer or sell non-time/temperature control for safety (non-TCS) foods or cottage foods.
 - g. Non-profit charitable, fraternal, or benevolent organizations that do not prepare or serve food on a regular basis as exempted in Section 39-1602, Idaho Code. Food is not considered to be served on a regular basis if it is not served for more than five (5) consecutive days on no more than three (3) occasions per year for foods which are non-time/temperature control for safety (non-TCS). For all other food, it must not be served more than one (1) meal per week.
 - h. Private homes where food is prepared or served for family consumption or receives catered or home-delivered food as exempted by Section 39-1602, Idaho Code.
 - i. Cottage food operations, when the consumer is informed and must be provided contact information for the cottage food operations as follows:
 - i. By a clearly legible label on the product packaging; or a clearly visible placard at the sales or service location that also states:
 - ii. The food was prepared in a home kitchen that is not subject to regulation and inspection by the regulatory authority; and
 - iii. The food may contain allergens.

Current as of March 17, 2022.



Idaho Admin. Code r. 16.02.19.110 – Definitions and Abbreviations – A Through K

...

06. Cottage Food Operation. A cottage food operation is when a person or business prepares or produces cottage food products in the home kitchen of that person's primary residence or other designated kitchen or location.

07. Cottage Food Product. Cottage food products are non-time/temperature control for safety (non-TCS) foods that are sold directly to a consumer.

Examples of cottage foods may include but are not limited to: baked goods, fruit jams and jellies, fruit pies, breads, cakes, pastries and cookies, candies and confections, dried fruits, dry herbs, seasonings and mixtures, cereals, trail mixes and granola, nuts, vinegar, popcorn and popcorn balls, and cotton candy.

...

Current as of March 17, 2022.

