



# The National Agricultural Law Center

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Cottage Food Law Statutes:

*Louisiana*



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A National Agricultural Law Center Research Publication  
Cottage Food Laws: Louisiana

**La. Public Health and Safety § 40:4.9**

**Louisiana Statutes Annotated–Revised Statutes 40:4.9 – Low-risk foods;  
preparation in home for public consumption**

**A.**

**(1)**

**(a)** No provision of the state Sanitary Code or any provision of any other law or regulation that requires any equipment, design, construction, utensils, supplies, preparation, or services shall apply to the preparation of low-risk foods, as defined in Subsection E of this Section, in the home for sale. For purposes of this Section, with respect to preparation of cane syrup, “the home” shall mean, in addition to a dwelling, an open-sided structure on private property that shelters a cast iron kettle, evaporator, or other equipment for preparing cane syrup in the traditional manner. This Section shall not be construed to allow the sale or distribution of any unwholesome food.

**(b)** The provisions of Subparagraph (a) of this Paragraph shall not apply to any preparer of breads, cakes, cookies, or pies who employs any individual to assist in the preparation of such food for sale.

**(2)** Notwithstanding any provision of law to the contrary, all of the following restrictions, conditions, and requirements shall apply to the preparation of breads, cakes, cookies, and pies in the home for sale:

**(a)** All outside openings shall be protected against flies and other vermin.

**(b)** The building shall be constructed so as to exclude rats, mice, roaches or other vermin. Domestic pets shall be excluded in any part of the establishment where preparation and baking of such bakery products takes place.

**(c)** All equipment used or connected in any way with the manufacture, baking, cooking or other processing, handling, packing, or storing of any bakery product shall comply with the following:

**(i)** Be maintained in a clean and sanitary manner, be free from cracks and, wherever possible, be composed of non-corroding, metal or other smooth, impervious material giving an easily cleanable surface. Stationary or not readily movable equipment shall be so installed as to provide for easy cleaning.

**(ii)** Refrigeration shall be provided so that all perishable food products used in the manufacturer processing of any kind connected with the production, distribution, or sale of bakery



products shall be maintained at a temperature not to exceed forty-five degrees Fahrenheit.

- (iii) Equipment too large to permit washing in the sinks shall be cleaned in a manner approved by the state health officer.
  - (iv) All barrels, boxes, tubs, pails, kneading troughs, machines, racks, pans, or other receptacles used for holding materials from which bakery products are manufactured shall be kept clean and sanitary and shall be so constructed as to be easily cleanable.
  - (v) All food contact surfaces shall be cleaned and sanitized after each day's production.
  - (d) Only pasteurized milk or milk products shall be used in the preparation of custard and cream-filled bakery products.
  - (e) All custard or cream-filled mixtures shall be cooked, the temperature and time of heating of the mix, to be at a minimum, the equivalent of a temperature of one hundred forty-five degrees Fahrenheit for a period of not less than thirty minutes.
  - (f) Upon completion of the cooking of the mix, it shall be immediately transferred into previously sanitized containers, properly covered and chilled as rapidly as possible to forty-five degrees Fahrenheit or below and maintained at such a temperature until used.
  - (g) The apparatus and food contact surfaces used in adding any custard or cream filling to a bakery product shall be of impervious material and shall be thoroughly cleaned and sanitized after each use, in a manner approved by the state health officer. No cloth filled bags shall be used.
  - (h) Preparers engaged in the preparation of custard or cream-filled bakery products shall not touch the custard or cream filling with their hands after it has been cooked.
- B. This Section shall not apply to any preparer of low-risk foods made at a home for sale, whose gross annual sales equal thirty thousand dollars or more.
- C. No individual who prepares breads, cakes, cookies, or pies in the home for sale to the public pursuant to this Section shall sell such foods to any retail business or individual for resale.
- D.
- (1)
    - (a) Except as provided in Subparagraph (b) of this Paragraph, any individual who prepares low-risk foods in the home for sale, as authorized by this Section, shall affix to any such food offered for sale a label which clearly indicates that the food was not produced in a licensed or regulated facility.
    - (b) The food labeling requirement in Subparagraph (a) of this Paragraph shall not apply to raw honey offered for sale if the honey is not pasteurized, filtered, or otherwise processed in such a way as to remove natural pollen contained in the honey.
  - (2) No individual who prepares low-risk foods in the home shall sell such foods unless he is registered to collect any local sales and use taxes that are applicable to the sale of such foods, as evidenced by a



current sales tax certificate issued to the seller by the sales and use tax collector for the parish in which the sales occur.

- E. For purposes of this Section, “low-risk foods” shall include all of the following, none of which shall consist of any animal muscle protein or fish protein:
- (1) Baked goods, including breads, cakes, cookies, and pies.
  - (2) Candies.
  - (3) Cane syrup.
  - (4) Dried mixes.
  - (5) Honey and honeycomb products.
  - (6) Jams, jellies, and preserves.
  - (7) Pickles and acidified foods.
  - (8) Sauces and syrups.
  - (9) Spices.
- F. No preparer of low-risk foods pursuant to this Section shall sell any food containing cannabidiol unless the United States Food and Drug Administration approves cannabidiol as a food additive.

Added by Acts 1991, No. 603, § 1. Amended by Acts 1995, No. 977, § 1; Acts 2013, No. 370, § 1; Acts 2014, No. 542, § 1; Acts 2014, No. 789, § 1; Acts 2015, No. 45, § 1; Acts 2019, No. 164, § 2, eff. June 6, 2019; Acts 2022, No. 357, § 1, app. June 10, 2022.

