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Cottage Food Law Statutes:

Maryland



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Cottage Food Laws: Maryland

Md. Code, Health-Gen. § 21-330.1
Md. Code Regs. 10.15.03.27

Md. Code, Health-Gen. § 21-330.1 (2020) – Cottage food businesses

- (a) This section does not:
- (1) Apply to a food establishment that is required to have a license under § 21-305 of this subtitle; or
 - (2) Exempt a cottage food business from any applicable State or federal tax laws.
- (b) A cottage food business is not required to be licensed by the Department if the owner of the cottage food business complies with this section.
- (c) The owner of a cottage food business may sell only cottage food products that are:
- (1) Stored on the premises of the cottage food business; and
 - (2) Prepackaged with a label that contains:
 - (i) The following information:
 1.
 - A. The name and address of the cottage food business; or
 - B. The name and phone number of the cottage food business and the identification number assigned to the cottage food business under subsection (d) of this section;
 2. The name of the cottage food product;
 3. The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;
 4. The net weight or net volume of the cottage food product;
 5. Allergen information as specified by federal labeling requirements; and
 6. If any nutritional claim is made, nutritional information as specified by federal labeling requirements;
 - (ii) The following statement printed in 10 point or larger type in a color that provides a clear contrast to the background of the label: "Made by a cottage food business that is not subject to Maryland's food safety regulations."; and
 - (iii) For a cottage food product offered for sale at a retail food store:
 1. The phone number and e-mail address of the cottage food business; and
 2. The date the cottage food product was made.
- (d) At the request of a cottage food business, the Department shall provide to the cottage food business a unique identification number



that the cottage food business may use on the label of a cottage food product under subsection (c) of this section.

- (e) The owner of a cottage food business shall comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products.
- (f)
 - (1) The Department may investigate any complaint alleging that a cottage food business has violated this section.
 - (2) On receipt of a complaint, a representative of the Department, at a reasonable time, may enter and inspect the premises of a cottage food business to determine compliance with this section.
 - (3) The owner of a cottage food business may not:
 - (i) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business under paragraph (2) of this subsection; or
 - (ii) Interfere with any inspection under paragraph (2) of this subsection.
 - (4) An investigation of a cottage food business conducted under this subsection may include sampling of a cottage food product to determine if the cottage food product is misbranded or adulterated.
- (g) Before the owner of a cottage food business may sell a cottage food product to a retail food store, the owner shall submit to the Department:
 - (1) Documentation of the owner's successful completion of a food safety course approved by the Department; and
 - (2) The label that will be affixed to the cottage food product in accordance with subsection (c)(2) of this section.
- (h) Beginning on or before December 30, 2020, and every December 30 thereafter, the Department shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on:
 - (1) The documentation and labels submitted under subsection (f) of this section; and
 - (2) Any complaints received by the Department related to a cottage food business or cottage food product.
- (i) The Department shall adopt regulations to carry out this section.

Amended by 2020 Md. Laws, Ch. 405, Sec. 1, eff. 10/1/2020. Amended by 2019 Md. Laws, Ch. 371, Sec. 1, eff. 10/1/2019. Amended by 2019 Md. Laws, Ch. 370, Sec. 1, eff. 10/1/2019.

Md. Code Regs. 10.15.03.27 - Farmer's Market, Bake Sales, and Cottage Food Business

- A. The approving authority shall accept as being from an approved source the homemade foods specified in §B of this regulation when the foods are:
 - (1) Made in a private home kitchen; and



- (2) Offered or sold only in the State:
 - (a) Subject to the requirements of §C(6) and (7) of this regulation, at a retail food store; or
 - (b) Directly to a consumer:
 - (i) At a farmer's market;
 - (ii) At a bake sale;
 - (iii) At a public event;
 - (iv) By personal delivery; or
 - (v) By mail order
- B. The approving authority shall allow the preparation and sale of the following foods in accordance with §A of this regulation:
 - (1) Non-potentially hazardous hot-filled canned acid fruit jellies, jams, preserves, and butters that are:
 - (a) Unadulterated;
 - (b) Packaged to maintain food safety and integrity; and
 - (c) Labeled in accordance with Regulation .12 of this chapter;
 - (2) Fruit butters made only from:
 - (a) Apples;
 - (b) Apricots;
 - (c) Grapes;
 - (d) Peaches;
 - (e) Plums;
 - (f) Prunes;
 - (g) Quince; or
 - (h) Another fruit or fruit mixture that will produce an acid canned food;
 - (3) Jam, preserve, or jelly made only from:
 - (a) A fruit listed in §B(2) of this regulation;
 - (b) Oranges;
 - (c) Nectarines;
 - (d) Tangerines;
 - (e) Blackberries;
 - (f) Raspberries;
 - (g) Blueberries;
 - (h) Boysenberries;
 - (i) Cherries;
 - (j) Cranberries;
 - (k) Strawberries;
 - (l) Red currants; or
 - (m) Another fruit or fruit mixture that will produce an acid canned food;
 - (4) Non-potentially hazardous baked goods;
 - (5) Foods manufactured on a farm by a licensed food processor in accordance with COMAR 10.15.04.19A;
 - (6) Non-potentially hazardous candy; and
 - (7) All other non-potentially hazardous foods produced by a licensed entity.
- C. Cottage Food Business.



- (1) The approving authority shall allow the owner of a cottage food business to sell only cottage food products processed and packaged in Maryland that are:
 - (a) Produced or packaged in a residential kitchen;
 - (b) Stored on the premises of the cottage food business; and
 - (c) Prepackaged with a label that contains the following information:
 - (i) The name and address of the cottage food business or the name, phone number, and identification number assigned to the cottage food business by the Department;
 - (ii) The name of the cottage food product;
 - (iii) The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;
 - (iv) The net weight or net volume of the cottage food product;
 - (v) Allergen information as specified by federal labeling requirements;
 - (vi) Nutritional information as specified by federal labeling requirements, if any nutritional information claim is made;
 - (vii) Printed in 10 point or larger type in a color that provides a clear contrast to the background of the label: Made by a cottage food business that is not subject to Maryland's food safety regulations.; and
 - (viii) For a cottage food product offered for sale at a retail food store, the phone number and email address of the cottage food business and the date the cottage food product was made.
- (2) A cottage food business may request a unique identification number from the Department which can be used in lieu of the address of the cottage food business on the product label required under §C(1) of this regulation.
- (3) The owner of a cottage food business shall comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products.
- (4) Upon receipt of a complaint or outbreak of illness the approving authority may:
 - (a) Investigate the conditions under which the product was produced and any complaint alleging that a cottage food business has violated this regulation;
 - (b) Send a representative of the Department, at a reasonable time, to enter and inspect the premises of a cottage food business to determine compliance with this regulation; and
 - (c) Collect samples of a cottage food product or its ingredients to determine if the cottage food product is misbranded or adulterated.
- (5) The owner of a cottage food business may not:
 - (a) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business in response to a complaint; or
 - (b) Interfere with any inspection or collection of samples in response to a complaint or outbreak of illness.



- (6) Before the owner of a cottage food business may sell a cottage food product to a retail food store, the owner shall submit to the Department for review:
- (a) The label that will be affixed to the cottage food product in accordance with §C(1)(c) of this regulation; and
 - (b) Documentation of the owner's successful completion of a food safety course in the past 3 years that is approved by the Department and the American National Standards Institute and includes, at a minimum, the following subjects:
 - (i) Basic food safety;
 - (ii) Cleaning and sanitizing;
 - (iii) Personal hygiene;
 - (iv) Pest control and prevention; and
 - (v) Receiving, storing preparing, and serving food
- (7) The owner of a cottage food business may not sell or offer for sale a cottage food product to a retail food store until notified by the Department, in writing, that the requirements stated in §C(6) of this regulation are satisfactorily met.
- D. If the approving authority finds a person to be in violation of any provision of this regulation, the approving authority:
- (1) Shall take action against a misbranded or adulterated food offered or sold under this regulation in accordance with Health-General Article, §§ 21-211, 21-253, and 21-254, Annotated Code of Maryland; and
 - (2) May determine that food produced in a private home kitchen by the person is not from an approved source.

Regulations .27 adopted effective December 17, 2007 (34:25 Md. R. 2211)
Regulation .27 amended effective March 19, 2010 (37:4 Md. R. 341); February 3, 2012 (39:1 Md. R. 17); March 4, 2013 (40:4 Md. R. 346); amended effective 43:03 Md. R. 272, eff.2/15/2016; amended effective 47:20 Md. R. 875, eff. 10/5/2020; amended effective 48:26 Md. R.1111, eff. 12/27/2021

