



# The National Agricultural Law Center

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

Cottage Food Law Statutes:

*Massachusetts*



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: Massachusetts

105 CMR, § 590.001

105 CMR, § 590.010

### 105 Mass. Reg. 590.001 - Purpose and Definitions

...  
(C) Definitions. For the purposes of 105 CMR 590.000, the following terms shall have the meanings hereinafter specified. These definitions shall be in addition to or a substitution for the same definition in *2013 Food Code* section FC 1-201.10 entitled Definitions. Citations to the *2013 Food Code* shall be referenced FC followed by the section number (e.g., FC 1-201.10).

(1) The following definitions replace, in their entirety, the definition provided for the same term in the *2013 Food Code*:

...  
Food Establishment.

(1) Food establishment means an operation that:

(a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people not including farm trucks; market; vending location; conveyance used to transport people; institution; food bank; residential kitchen in a bed-and-breakfast operation; residential kitchen for a cottage food operation; and

...  
(2) The following definitions are provided in addition to those provided in the *2013 Food Code*:

...  
Cottage Food Operation means a person who produces cottage food products only in the home kitchen of that person's primary domestic residence and only for sale directly to the consumer.

Cottage Food Products means non-time/temperature control for safety baked goods, jams, jellies, and other non-time/temperature control for food safety foods produced at a cottage food operation.

...  
Amended by Mass Register Issue 1375, eff. 10/5/2018.

### 105 Mass. Reg. 590.010 - Guidance on Retail Operations

...  
(F) Residential Kitchens: Cottage Food Operations.



- (1) Exempt Cottage Food Operations. No permit from the board of health is required if an on-farm or off-farm cottage food operation only sells:
- (a) Whole, uncut fresh fruits and vegetables;
  - (b) Unprocessed honey;
  - (c) Pure maple products; or
  - (d) Farm fresh eggs which are stored and maintained at 45°F (7.2°C) or less.
- (2) Cottage Food Operation Approval.
- (a) Except as specified 105 CMR 590.010(F)(1), a cottage food operation shall not sell or serve food unless it has been approved to do so and has obtained a valid permit from the board of health.
  - (b) A board of health shall review a permit application for a cottage food operation, as specified by administrative guidelines of the Department. The board may approve an application that conforms with the guidelines and with applicable sections of the 2013 *Food Code*.

...

Amended by Mass Register Issue 1375, eff. 10/5/2018.

