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Cottage Food Laws:

New Hampshire



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

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N.H. Rev. Stat. § 143-A:12
N.H. Admin. Code § He-P 2310.01

N.H. Rev. Stat. Ann. § 143-A:12. Homestead Food License Required.

I. In this subdivision:

- (a) “Homestead food operation” means a person who produces homestead food products, excluding potentially hazardous food, only in the home kitchen of that person's primary residence in New Hampshire.
- (b) “Potentially hazardous food” means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also include processed acidified and low acid canned foods.
- (c) “Homestead food products” means all food except potentially hazardous food, and as defined in rule by the commissioner of the department of health and human services through rulemaking under RSA 143-A:13.

II. Homestead food operations selling less than a maximum annual gross sales of \$20,000 of food, excluding potentially hazardous food, from the homestead residence, at the owner's own farm stand, at farmers' markets, or at retail food stores are exempt from licensure and departmental inspection under this subdivision, except that the department may inspect when the department has reason to suspect an imminent health hazard as defined in RSA 143-A:3, IV-b.

III. Homestead food operations that exceed the \$20,000 maximum annual gross sales limit or homestead food operations who wish to sell food products, excluding potentially hazardous food, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers, or other food distributors who will resell the homestead product shall be licensed under RSA 143-A:4.

IV. All homestead food products sold in packages from the home kitchen, farm stand of a homestead food operation, at farmers' markets, or at retail food stores shall have individual labels on each package containing the following information: name, address, and phone number of the homestead food operation; name of the homestead food product; the ingredients of the homestead product, in descending order of predominance by weight; and allergy information. Products made by homestead food operations exempt from licensure shall also be clearly labeled with the following statement: “This product is exempt from New Hampshire licensing and inspection.” Products



made by nonexempt homestead food operations shall also be clearly labeled with the following statement: “This product is made in a residential kitchen licensed by the New Hampshire Department of Health and Human Services.”

Source. 2006, 133:2, eff. Jan. 1, 2007. 2009, 144:205, eff. July 1, 2009. 2012, 163:2, eff. June 7, 2012. 2013, 136:1, 2, eff. June 27, 2013. 2014, 171:1, eff. Sept. 9, 2014. 2015, 84:1, 2, eff. Aug. 4, 2015. 2017, 87:6, eff. July 1, 2017.

N.H. Admin. Code § He-P 2310.01 Exempt Homestead Food Operations Requirements.

- (a) Pursuant to RSA 143-A:5, VII, homestead food operations selling less than a maximum annual gross sales of \$20,000 of food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, at farmers' markets, or at retail food stores shall be exempt from licensure under this subdivision.
- (b) Only the following food products shall be produced and sold from exempt homestead food operations:
 - (1) Baked items, including, breads, rolls, muffins, cookies, brownies, and cakes;
 - (2) Double-crust fruit pies;
 - (3) Candy and fudge;
 - (4) Packaged dry products, which include spices and herbs;
 - (5) Acid foods, including vinegars and mustards; and
 - (6) Jams and jellies.
- (c) Exempt homestead food operations shall not produce or sell potentially hazardous foods, including any food which requires refrigeration or processed acidified and low acid canned foods.
- (d) All homestead food products made in an exempt homestead food operation shall be sold in packages with individual labels on each package containing the following information:
 - (1) Name of the homestead food operation;
 - (2) Address of the homestead food operation;
 - (3) Phone number of the homestead food operation;
 - (4) Name of the homestead food product;
 - (5) All ingredients of the homestead food product in descending order of predominance by weight;
 - (6) The name of each major food allergen contained in the homestead food product unless it is already part of the common or usual name of the respective ingredient already disclosed in the ingredient statement in (5) above;
 - (7) The following statement: “This product is exempt from New Hampshire licensing and inspection” in at least the equivalent of 10 point font and a color that provides a clear contrast to the background; and
 - (8) A product code which identifies the product with a batch number, or a date of manufacture to aid in a recall of the product in case of an imminent health hazard.
- (e) Exempt homestead food operations shall follow the standards for non-exempt homestead operations as stated in He-P 2311.06.



Source. #2802, eff 8-8-84; ss by #5051, eff 1-22-91; EXPIRED 1-22-97

New. #6503, Interim, eff 4-25-97; EXPIRED 8-23-97

New. #6722, eff 3-27-98; ss by #7893, eff 5-21-03; ss by #9857-A, eff 2-1-11; ss by #10199-A, eff 10-12-12; ss by #10867, eff 6-25-15; and by #10956, eff 10-22-15; ss by #12852, eff 8-20-10

