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Cottage Food Laws:

New York



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N.Y. Comp. Codes R. & Regs. tit. 1 § 276.3

N.Y. Comp. Codes R. & Regs. tit. 1 § 276.4

N.Y. Comp. Codes R. & Regs. tit. 1 § 276.3.- Codes

- (a) Each container of potentially hazardous food, as defined hereinafter, shall be marked with an identifying code which shall be permanently visible to the naked eye.
- (1) Where the container does not permit the code to be embossed or inked, the label or other similar marking device may be legibly perforated or otherwise marked, provided that such label is securely affixed to the product container in a manner satisfactory to the commissioner.
 - (2) The required identification shall identify in code the establishment where packed and the period during which packed.
 - (3) The packing period shall be changed with sufficient frequency to enable identification of lots during their sale and distribution.
 - (4) Packing period codes may be changed on the basis of one of the following: intervals of every four to five hours; personnel shift changes; or batches, provided the containers comprising such batch do not extend over a period of more than one personnel shift.
- (b) *Definitions.*
- (1) *Potentially hazardous food* shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
 - (2) *Perishable food* shall mean any food of such type or in such condition as may spoil.
 - (3) *Home processed food* within the context of this Part shall mean any food processed in a private home or residence using only the ordinary kitchen facilities of that home or residence which are also used to prepare food for the owner thereof, his family, nonpaying guests and household and farm employees who reside therein, but shall exclude potentially hazardous foods as defined in this Part or thermally processed low-acid foods packaged in hermetically sealed containers as covered by Part 277 of this Chapter and acidified foods packed in closed containers, including but not limited to pickles and relishes prepared from low-acid fruits, vegetables, poultry, meat, meat products, fish or seafood.

Credits

Sec. filed March 13, 1973; amd. filed Jan. 4, 1980 eff. Jan. 4, 1980. Added (b)(3).



N.Y. Comp. Codes R. & Regs. Tit. 1 § 276.4 – Exemptions

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(b) *Home-processed foods.* Processors of home-processed foods who sell or offer for sale such foods shall be exempt from the licensing requirements of article 20-C, provided that the following conditions are met:

(1) All finished product containers are clean and sanitary and are labeled to show:

(i) the name and address of the home processor;

(ii) the common or usual name of the food;

(iii) if the food is fabricated from two or more ingredients, the common or usual name of each ingredient in their order of predominance; except that spices, flavorings and colorings may be designated as spices, flavorings and colorings without naming each, and spices and flavorings may be designated together as flavorings; and

(iv) the net weight, standard measure or numerical count.

(2) All home-processed foods produced under this exemption are neither adulterated nor misbranded.

(3) Glass containers for jams, jellies, marmalades and similar products are provided with suitable rigid metal covers.

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Credits

Sec. filed March 13, 1973; amds. filed: Jan. 4, 1980; Oct. 17, 1980; April 22, 1996; emergency rulemaking eff. July 1, 2011, expired Sept. 28, 2011; emergency rulemaking eff. Sept. 29, 2011, expired Dec. 27, 2011; amd. filed Dec. 20, 2011 eff. Jan. 4, 2012; amd. filed Jan. 24, 2013 eff. Feb. 13, 2013; amd. filed Aug. 5, 2014 eff. Aug. 20, 2014; amd. filed June 7, 2016 eff. June 22, 2016; amd. filed May 18, 2017 eff. June 7, 2017; amd. filed Feb. 13, 2019 eff. March 6, 2019; amd. filed Aug. 23, 2019 eff. Sept. 11, 2019.

