



# The National Agricultural Law Center

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Cottage Food Law Statutes:

*Pennsylvania*



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# A National Agricultural Law Center Research Publication

## Cottage Food Laws: Pennsylvania

### 7 Pa. Code § 46.212

#### PA Code Title 7, § 46.212. Food Prepared In a private home

- (a) *General.* Food prepared in a private home may not be used or offered for human consumption in a retail food facility unless the private home meets the requirements of subsection (b) or (c).
- (b) *Private home that is a registered food establishment.* Food prepared in a private home may be used or offered for human consumption in a retail food facility if the private home from which the food originates is registered with the Department as a food establishment under the Food Safety Act.
- (c) *Private home that is exempt from licensure or inspection under the Retail Food Facility Safety Act.* Food prepared in a private home may be used or offered for human consumption in a retail food facility if the following apply:
- (1) The food is not potentially hazardous food.
  - (2) The food is used or offered for human consumption by any of the following organizations:
    - (i) A tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)(3)).
    - (ii) A volunteer fire company or ambulance, religious, charitable, fraternal, veterans, civic, sportsmen, agricultural fair or agricultural association, or a separately chartered auxiliary of an association on a nonprofit basis.
    - (iii) An organization that is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a nonprofit basis.
  - (3) The organization that uses or offers the food for human consumption informs consumers that the organization uses or offers food that has been prepared in private homes that are not licensed or inspected.
    - (i) Acceptable means of providing written notice include providing that notice on a menu, a menu board, separate signage posted in a location that is conspicuous for consumers to view or on individual food product labels.
    - (ii) The written notice must clearly communicate that the food has been prepared in a private home that is not licensed or inspected. Phrases such as “These baked goods originate from private homes that are not government-licensed or government-inspected,” “The food offered on this table comes from private homes that are not licensed or inspected” and “Food offered in this bake sale has been prepared in private homes that are not licensed or inspected” meet this requirement. Persons may submit



proposed written notice language to the Department or other licensor, as applicable, for review.

(4) The food is donated to an organization described under paragraph (2).

Credits: Adopted Dec. 13, 2003. Amended May 12, 2014.

