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Cottage Food Law Statutes:

Tennessee



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Cottage Food Laws: Tennessee

Tenn. Code § 53-1-102

Tenn. Code § 53-1-118

Tenn. Code § 53-1-204

Tenn. Code § 53-1-102. Chapter Definitions

...
(19) “Homemade food item” means a food item, including a non-alcoholic beverage, which is produced and, if packaged, packaged at the private residence of the producer;

...
(28) “Non-time/temperature control for safety food” means food that does not require time or temperature control for safety to limit the rapid and progressive growth of infectious or toxigenic microorganisms, including categories of foods in Rules of Tennessee Department of Agriculture, Rule 0080-04-09-.01(116);

...
(33) “Producer” means a person who produces a homemade food item;

...
History: Acts 1941, ch. 120, § 2; C. Supp. 1950, § 6580.2; Acts 1961, ch. 55, § 1; 1967, ch. 42, § 1; 1971, ch. 163, § 44; 1976, ch. 658, § 1; T.C.A. (orig. ed.), § 52-102; Acts 2002, ch. 634, § 1; 2002, ch. 640, § 30; 2003, ch. 29, § 1; 2006, ch. 573, § 1; 2017, ch. 272, § 1; 2022, ch. 862, § 2.

Tenn. Code § 53-1-118. Exemption for production and sale of homemade food items.

- (a) Notwithstanding part 2 of this chapter, or another law to the contrary, except as provided in this section, the production and sale of homemade food items under this chapter are exempt from all licensing, permitting, inspecting, packaging, and labeling laws of this state, except when the department of health is investigating a reported foodborne illness.
- (b) The exemption under subsection (a) only applies if the following conditions are satisfied:
- (1) Non-time/temperature control for safety food homemade food items must be sold either by:
 - (A) The producer to the consumer, whether in person or remotely, including, but not limited to, a sale by telephone or internet; or
 - (B) An agent of the producer or a third-party vendor, such as a retail shop or grocery store, to the consumer;
 - (2) Non-time/temperature control for safety food homemade food items must be delivered either by:



- (A) The producer to the consumer; or
- (B) An agent of the producer, a third-party vendor, or a third-party carrier to the consumer;
- (3) The following information must be provided to the consumer, in the format required by subdivision (b)(4):
 - (A) The name, home address, and telephone number of the producer of the homemade food item;
 - (B) The common or usual name of the homemade food item;
 - (C) The ingredients of the homemade food item in descending order of predominance; and
 - (D) The following statement: "This product was produced at a private residence that is exempt from state licensing and inspection. This product may contain allergens."; and
- (4)
 - (A) The information required by subdivision (b){3} must be provided:
 - (i) On a label affixed to the package, if the homemade food item is packaged;
 - (ii) On a label affixed to the container, if the homemade food item is offered for sale from a bulk container;
 - (iii) On a placard displayed at the point of sale, if the homemade food item is neither packaged nor offered for sale from a bulk container; or
 - (iv) On the webpage on which the homemade food item is offered for sale, if the homemade food item is offered only for sale on the internet; and
 - (B) If the homemade food item is sold by telephone or custom order, the seller need not display the information required by subdivision (b)(3), but the seller shall disclose to the consumer that the homemade food item is produced at a private residence that is exempt from state licensing and inspection, and may contain allergens. The seller shall have the information required by subdivisions (b)(3)(A)-(C) readily available and provide it to the consumer upon request.
- (c) This section does not:
 - (1) Impede the department of health in an investigation of a reported foodborne illness;
 - (2) Preclude the production or sale of food items otherwise authorized by law;
 - (3) Change the regulation of other goods and services where homemade food items are also produced or sold;
 - (4) Exempt producers or sellers of homemade food items from any applicable tax law; or
 - (5) Apply to sales other than intrastate sales made within this state.
- (d) This section preempts county, municipal, and other political jurisdictions from prohibiting and regulating the production and sale of homemade food items.

History: Acts 2022, ch. 862, § 3.



Tenn. Code § 53-1-204. License Requirements

(a)

(1) Except as provided in § 53-1-118, a person shall not manufacture, process, pack, or hold food for introduction into commerce unless the person holds a valid license issued by the commissioner.

(2)

(A) Applicants for licensure shall apply for the license on forms provided by the commissioner.

(B) The commissioner may issue a license to an applicant only upon receipt of the proper license fee and an inspection of the applicant's facility that indicates the applicant is in compliance with the requirements of this chapter and the rules promulgated thereunder.

(C) Licenses issued under this section expire on July 1 of each year, or as the commissioner may otherwise provide by rule.

(D) The commissioner shall set annual fees for licenses issued under this section by rule pursuant to § 43-1-703.

(b) The commissioner shall set, by rule under § 43-1-703, a fee for a certificate of free sale.

(c) [Deleted by 2022 amendment.]

(d) [Deleted by 2022 amendment.]

History: Acts 2021, ch. 202, § 1; 2022, ch. 862, §§ 4, 5.

