

State of Connecticut
Regulation of
Department of Consumer Protection
Concerning
Preparation and Sale of Food Produced in a Home Environment

Section 1. The Regulations of Connecticut State Agencies are hereby amended by adding Sections 21a-62a-1 through to Section 21a-62a-7 as follows:

(NEW) Sec. 21a-62a-1. Definitions

As used in sections 21a-62a-1 to 21a-62a-7, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Commissioner” means the commissioner of Consumer Protection or authorized agent of the commissioner;
- (2) “Cottage food operation” means a person who produces cottage food products only in the home kitchen of that person’s private residential dwelling and only for sale directly to the consumer, but does not operate as a food service establishment pursuant to 19a-36 or regulations promulgated pursuant to 21a-101, or a food retailer, distributor or manufacturer as defined in 21a-92(b) and 21a-151;
- (3) “Cottage food products” means non-potentially hazardous baked goods, jams, jellies, and other non-potentially hazardous foods produced by a cottage food operation;
- (4) “Food service establishment” means any establishment in which food is stored, offered for sale, processed, or prepared, and includes the transportation of any food;
- (5) “Private residential dwelling” means an owner or resident occupied dwelling. A private residential dwelling does not include any group or communal residential setting within any type of structure, or outbuilding, shed, barn, or other similar structure;
- (6) “Home kitchen” means a kitchen designed and intended for use by the residents of a home but that is also used by a resident for the production of cottage food products. It may contain one or more stoves or ovens, which may be a double oven, designed for residential use. It shall not include commercial types of equipment typically used for large wholesale manufacturing;
- (7) “Permitted area” means the portion of a private residential dwelling containing a home kitchen where the preparation, packaging, storage, or handling of cottage food products occurs; and
- (8) “Potentially hazardous food” means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

(NEW) Sec. 21a-62a-2. Prerequisite Requirements

(a) All cottage food operations must be licensed annually by the commissioner of Consumer Protection. The license application form will be developed by the commissioner. The license will specify the food products allowed to be produced by the cottage food operation. The annual license fee for cottage food operations shall be set by the commissioner of Consumer Protection; however, such fee shall not exceed \$100.00.

(b) Prior to licensing, the commissioner shall, within existing resources, examine the premises of the cottage food operation to determine it to be in compliance with Sections 21a-62a-1 through to Section 21a-62a-7 of the Regulations of Connecticut State Agencies.

(c) A cottage food operation must comply with all applicable municipal laws and zoning ordinances when conducting a business from a private residential dwelling. Upon request by the commissioner, the cottage food operation shall provide written verification, from a credible recognized source, of compliance with all local, state and federal laws regarding on site wastewater systems.

(d) Any cottage food operation with a private water supply, shall have the supply tested prior to receiving a license, in order to demonstrate that the water supply is potable. Subsequent testing of such private water supplies shall be required at a frequency determined by the commissioner.

(e) Prior to receiving a license, the cottage food operation shall have attended and completed a food safety training program that includes training in food processing and packaging. A list of food safety training programs that are recognized by the commissioner shall be maintained on the Department of Consumer Protection's internet website.

(NEW) Sec. 21a-62a-3. Limitations

(a) Total annual gross sales for a cottage food operation shall not exceed twenty-five thousand dollars per calendar year. If annual gross sales exceed the maximum annual gross sales amount allowed, the cottage food operation must either obtain a food manufacturing establishment license or cease operations. The commissioner may request, documentation to verify the annual gross sales figure.

(b) Products produced by a cottage food operation must be sold directly to the consumer. Direct sales at point of production, farmers markets, local fairs and festivals, and charitable organization functions are permitted. Advertising and sales by internet, mail and phone, are permissible; however, the cottage food operator or their designee must deliver (in person) to the customer within the state of Connecticut. Sales by consignment or at wholesale are prohibited. Sales are also prohibited at the following locations: grocery stores; restaurants; long term care facilities; group homes; day care facilities; and schools. A cottage food operation may not operate as: a food service establishment; a retail establishment engaged in the sale of food; a food manufacturing establishment as defined in Section 21a-151; or a food warehouse as defined in Section 21a-151.

(c) A cottage food operation may only produce those specific food products listed on its license. Said license shall be displayed at every location where the operation's cottage food products are sold.

(NEW) Sec. 21a-62a-4. Inspection

(a) The commissioner may inspect a cottage food operation at any time to ensure compliance with Section 21a-62a-1 through to Section 21a-62a-7 of the Regulations of Connecticut States Agencies.

(b) Nothing in this regulation shall prohibit the local director of health or duly authorized agents of the director, from investigating the permitted area of a cottage food operation in response to a foodborne illness outbreak, consumer complaint, or other public health emergency.

(NEW) Sec. 21a-62a-5. Cottage Food Products

(a) A cottage food operation is allowed to produce food items which are not potentially hazardous food.

(b) A cottage food operation is not allowed to produce:

(1) Potentially hazardous food items ; and

(2) Food items which present a food safety risk, such as acidified foods, low acid canned foods, garlic in oil, fresh fruit or vegetable juices and beverages.

(NEW) Sec. 21a-62a-6. Food Labeling

(a) A cottage food operation may only sell cottage food products which are pre-packaged with an affixed label that contains the following information (printed in English):

- (1) The name and address of the cottage food operation;
- (2) The common or usual name of the cottage food product;
- (3) The ingredients of the cottage food product, in descending order of predominance by weight or volume;
- (4) The net weight or net volume of the cottage food product;
- (5) Allergen information as specified by federal labeling requirements, such as milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans;
- (6) Nutritional labeling as specified by federal labeling requirements if any nutrient content claim, health claim, or other nutritional information is provided; and
- (7) The following statement printed in at least 10-point type in a clear and conspicuous manner that provides contrast to the background label: “Made in a Cottage Food Operation that is not Subject to Routine Government Food Safety Inspection.”

(NEW) Sec. 21a-62a-7. Prohibited Acts

(a) The cottage food operation must comply with the following requirements; failure to comply may be deemed a violation of Sections 21a-62a-1 through to Sections 21a-62a-7:

- (1) No person, other than the person licensed to produce cottage food products or a person under his or her direct supervision, may engage in the processing, preparing, packaging, or handling of any cottage food products;
- (2) No preparation, packaging, or handling of cottage food products is occurring in the home kitchen concurrent with any other domestic activities such as family meal preparation, clothes washing or ironing, kitchen cleaning, or guest entertainment;
- (3) No pets, infants or children under the age of 12 are in the home kitchen during the preparation, packaging, or handling of any cottage food products;
- (4) All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products are washed, rinsed and sanitized before each use;
- (5) All food preparation and food and equipment storage areas are maintained free of rodents and insects; and
- (6) All persons involved in the preparation and packaging of cottage food products:
 - (A) Are not ill while working in the home kitchen;
 - (B) Wash their hands before any food preparation and food packaging activities; and
 - (C) Use single-service gloves, bakery papers, tongs or other utensils in order to not have bare hand contact with ready to eat foods.

(D) A cottage food operation license may be suspended or revoked by the commissioner for any violation of Section 21a-62a-1 through to Section 21a-62a-7, after a hearing conducted in accordance with chapter 54. A cottage food operation license may be summarily suspended pending a hearing if the commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. Upon issuing a summary suspension, the commissioner shall schedule a hearing to determine whether to reinstate the license of the cottage food operation. Following said hearing, the commissioner shall either dissolve such suspension or order revocation of the cottage food operation license. Any person or business entity whose license has been revoked shall not be permitted to apply to the department for a new license for a period of one year from the date of decision of license revocation by the department. The cost of any inspections necessary to determine whether or not an applicant whose license has been revoked is entitled to have a new license granted shall be borne by the applicant at such rates as the commissioner may determine. The commissioner

may refuse to grant any cottage food operation license if he or she finds that the applicant has evidenced a pattern of noncompliance with the provisions of Section 21a-62a-1 through to Section 21a-62a-7. Prima facie evidence of a pattern of noncompliance shall be established if the applicant has operated, controlled or managed two or more cottage food operations for which the licenses had been revoked.

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Statement of Purpose

The purpose of these regulations is to provide direction for the preparation and sale of food produced in a home environment.