

HD2547- Cottage Food Legislation

HD2547 would enable all home cooks throughout Massachusetts to sell their low-risk homemade food products without a health department permit, including foods from a variety of cultures, such as jams, nut mixes, breads, tortillas, fruit empanadas, cookies, churros, coffee beans and pickled vegetables.

Limitations in Massachusetts' Existing Cottage Food Law

Cottage food products are **limited to low-risk foods**, yet current law regulates cottage food operations as “food establishments” alongside restaurants, catering operations, and food trucks.

Cottage food entities can *only* operate if local health departments issue permits to local producers, placing an **onerous burden on local governments** and home cooks.

Current law has resulted in a **patchwork across the state**, where only a few towns - such as Somerville or Watertown - have developed a permitting process, while neighboring localities - such as Cambridge and Boston - have not. Home cooks in the latter cities are thus unable to sell cottage food products.

Although Massachusetts was among the first states to officially allow the sale of cottage foods, it has since lagged behind peer states.

28 other states allow home-prepared low-risk foods without permits.



Cottage food operations will benefit Massachusetts by:

Aiding **small business** development, promoting **locally-produced products**, and ultimately supporting the **local economy**.

Making **culturally distinctive foods** more available and encouraging the exchange of **diverse perspectives and experiences**.

Supporting **racial equity** by supporting **immigrants, women, people of color** (who make up the majority of home cooks), and others who have historically faced barriers to launching businesses.

Providing an **alternate source of income**, particularly for those impacted by COVID-19, which has disproportionately affected the restaurant industry and contributed to high levels of unemployment.

Bill Supporters



Bill Explainer

HD.2547: An Act regulating cottage foods.

Key Steps Explained

SECTION 1. This section **prevents municipalities from adding to the regulatory burden** on cottage food producers, including through restrictive zoning procedures.

SECTION 2. This creates a **separate section in the General Laws exclusively for cottage food** regulation.

- (a) Defines cottage food operations as **exempt from regulation as “food establishments,”** which carry a range of permitting and inspection requirements. It also establishes cottage food products as those **not requiring time/temperature control for safety** procedures. A non-exhaustive list of illustrative food products is provided, to include culturally specific foods, which may be expanded upon by the Department of Public Health.
- (b) Specifies that cottage foods are **not to be subject to the extensive regulatory requirements** of food establishments, under state or local law.
- (c) **Allows direct sales** to in-state consumers, providing examples of direct sales.
- (d) Instructs the Department of Public Health to **publish timely consumer-facing resources** to explain this law.
- (e) Establishes **labeling content** that follow the core requirements of existing Massachusetts law. Labeling content will also including a disclaimer stating that the product was made in a private residence exempt from inspection.
- (f) Specifies **label display requirements.**
- (g) Provides **labeling exemptions** for custom orders or products sold by phone.
- (h) Directs the Department of Public Health to maintain a **voluntary registry** to monitor cottage food operations statewide. Furthermore prevents the Department from imposing fees or requiring additional restrictions on cottage food operations.
- (i) **Specifies the information contained in the registry.** This would include a personal identification number which may be optionally used in lieu of address on labeling, in order to comply with the labeling requirements of (e).
- (j) Requests cottage food operations to **update the registry in the event of a change** in their personal details.
- (k) **Allows voluntary inspections, assistance, and consultation** upon request of a cottage food producer.
- (l) **Prevents local governments from imposing restrictions** on cottage food operations beyond those specified by this law.

SECTION 3. Sets forth the law with immediate effect.