

HOUSE No. 140

The Commonwealth of Massachusetts

PRESENTED BY:

Erika Uyterhoeven

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote economic opportunities for cottage food entrepreneurs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>1/17/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/6/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>7/30/2025</i>

HOUSE No. 140

By Representative Uytterhoeven of Somerville, a petition (accompanied by bill, House, No. 140) of Erika Uytterhoeven and Jacob R. Oliveira relative to cottage food entrepreneurs. Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to promote economic opportunities for cottage food entrepreneurs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the definition of “cosmetic” the following
3 definitions:- “Cottage food operation”, in section 46A, the production of food by a person who
4 produces cottage food products only in the home kitchen of that person’s domestic residence for
5 retail sale directly to the consumer either in person, including but not limited to farmers markets,
6 public events, and roadside stands, or by telephone, internet, or mail delivery.

7 “Cottage food product”, in section 46A, a food product determined by the department of
8 public health to be a non-time/temperature controlled for safety food, including, but not limited
9 to, baked goods, jams or jellies, and other non-time/temperature controlled for safety foods
10 produced by a cottage food operation. The production of non-time/temperature controlled
11 fermented foods shall be permitted if the producer uses a USDA-approved recipe or completes a
12 food safety course approved by the department of public health.

SECTION 2. Said chapter 94 of the General Laws, as so appearing, is hereby further amended by inserting after section 46 the following section:-

Section 46A. (a) The department of public health shall establish uniform standards and rules for cottage food operations and the sale of cottage foods. These standards and rules shall apply to all local boards of health. Boards of health shall not impose more restrictive standards and rules than those required by the department of public health.

(b) The department of public health shall by regulation define categories of cottage food products that may be sold without requiring a permit from a local board of health.

(c) For cottage food products that require a permit from a local board of health to be sold, if a local board of health requires a pre-operational inspection, the inspection must occur within 30 days of a person's application for a permit.

(d) The department may issue a state permit to a cottage food operation if the local board of health in the jurisdiction where the cottage food operation is located does not issue permits to sell cottage food. State inspections shall not be required to obtain a permit.

(e) Other than requirements set forth in this section, a cottage food operation shall be exempt from permitting, licensing, inspection, packaging, and labeling requirements for food establishments set by state law, the department of public health, and local boards of health.

(f) This section shall not exempt a cottage food business from any applicable state or federal tax laws.

(g) Cottage food operations must provide the following information to the consumer:

(1) the cottage food operation's name;

(2) the cottage food operation's address or personal identification number;

(3) the common or usual name of the cottage food product;

(4) the ingredients of the cottage food product in descending order of predominance; and

(5) the following statement: "This product was produced at a private residence that is exempt from Massachusetts licensing and inspection requirements. This product may contain allergens."

(h) The information required in subsection (g) shall be provided:

(1) on a label affixed to the package if the cottage food product is packaged;

(2) on a label affixed to the container, if the cottage food product is offered for sale from a bulk container;

(3) on a placard displayed at the point of sale, if the cottage food product is neither packaged nor offered for sale from a bulk container; or

(4) on the webpage on which the cottage food product is offered for sale if the cottage food product is offered for sale on the internet.

(5) If the cottage food product is sold by telephone or custom order, the seller need not display the information required by this section, but the seller must disclose to the consumer that the cottage food product is produced at residential kitchen that is exempt from state licensing and inspection requirements; and may contain allergens.

(i) The department of public health shall establish and maintain a voluntary cottage food operation registry. The voluntary cottage food operation registry shall allow the department of

public health to issue personal identification numbers for cottage food product labels as an alternative to the cottage food operation's address. The department of public health shall issue a personal identification number to cottage food operators who have submitted applications for the registry that are approved by the department of public health and have paid the registration fee. The department of public health may charge a one-time fee, not to exceed \$25, to each cottage food operation registrant.

(j) The department of public health shall make available an application for the cottage food operation registry that provides for the following:

- (1) the cottage food operator's full name,
- (2) the cottage food operation's address,
- (3) the cottage food operation's primary telephone number, and
- (4) the cottage food operation's primary email address.

(k) The cottage food operation shall update the department of public health when there is a change to any of the registration details including their name, residential kitchen address, telephone number, and email address.

(l) The department of public health shall not require cottage food operators to register for a personal identification number.

(m) Nothing in this section shall be construed to impede the department of public health or local health boards from investigating a reported foodborne illness.

73 (n) Nothing in this section shall preclude the department of public health or local health
74 boards from providing assistance, consultation, or an inspection at the request of the producer of
75 a cottage food product.