Illinois

2022 COTTAGE FOOD GUIDE

Illinois Department of Public Health

IDPH

Protecting Health, Improving Lives

ABOUT THIS GUIDE

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

IDPH

PROTECTING HEALTH, IMPROVING LIVES

This Guide was developed by the Illinois Department of Public Health (IDPH) in partnership with a diverse collection of stakeholders including cottage food advocacy groups, local health departments, public health associations, the University of Illinois Extension, cottage food producers, and economic development organizations.

The purpose of this Guide is to support cottage food businesses and health departments, grow a thriving cottage food industry in Illinois, and ensure that cottage food products are safe, healthy, and enjoyable for all.

The Guide is designed to make it easy for farmers, food entrepreneurs, and health departments to understand and implement Cottage Food Law, meet state requirements, and comply with the highest safety standards. Please read this Guide carefully and thoroughly before applying to become a Cottage Food Operator.

You are also encouraged to read the letter of the law here: Food Handling Regulation Enforcement Act (410 ILCS 625/4)

For a full list of contributing organizations and their contact information, please see Resources: Advocacy, Social, and Support Groups on page 45.

Index

What is a Cottage Food Operation?	**Page 4**
Registering as a Cottage Food Operation Overview	**Page 6**
Certified Food Protection Manager (CFPM)	**Page 9**
Employees	**Page 10**
What Can I Make Under the Cottage Food Law?	**Page 11**
Acidified/Fermented Foods	**Page 12**
Canned Tomatoes	**Page 15**
Salad Dressings, Vinegars, Infused Oils	**Page 16**
Dairy	**Page 17**
Cut Leafy Greens	**Page 18**
Mushrooms	**Page 19**
Fresh-Pressed Juices or Bottled Drinks	**Page 20**
Potentially Hazardous Foods or TCS Foods	**Page 20**
FAQ: Allowed Foods	**Page 22**
Approved Recipe Resources	**Page 23**
Home Canning	**Page 24**
Testing	**Page 25**
Sales Avenues	**Page 27**
Labeling	**Page 29**
Signage	**Page 31**
Local Zoning and Regulations	**Page 32**
Home Kitchen Safety Standards	**Page 34**
Starting Your Cottage Food Business	**Page 39**
Connecting to the Cottage Food Community	**Page 40**
What to Do if Your Experience a Roadblock	**Page 41**
History of Cottage Food Law	**Page 43**
Contributors to this Guide	**Page 44**

WHAT IS A COTTAGE FOOD OPERATION?

As defined in Illinois's law, "Cottage Food Operation" means an operation conducted by a person who produces food or drink, other than foods and drinks listed as prohibited in the law, in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped kitchen on a farm for direct sale by the owner, a family member, or employee. In other words, a Cottage Food Operation is a home-based food business.

What is a Cottage Food Operation?

- Physically altering/processing/creating product
- In primary domestic residence or a farm kitchen
- Direct sale to the consumer (not for repacking, sale and/or distribution by a 3rd party)
- Sales made by owner, family member, or employee
- Registered as a Cottage Food Operator with their local health department in the county or municipality in which they reside
- No prohibited ingredients or products

Cottage Food Law was created with the intent of supporting the growth of small businesses by creating regulations that allow food entrepreneurs to use their home kitchens to make certain, relatively low-risk food products for sale directly to consumers. Cottage Food Operations are not intended to compete with brick and mortar establishments and are limited in the type of products they can make, the places they can sell their products, and by additional labeling and signage not required of commercially licensed food establishments.

Cottage Food Law provides food entrepreneurs with the opportunity to start small, test their products, and grow a customer base before deciding whether or not to scale into a commercial kitchen.

Cottage Food Law allows a broad range of low-risk food products, as well as some higher risk food products that have additional requirements. Prohibited ingredients or products, as outlined by the law (see page 11), may not be produced by a Cottage Food Operation. All food or drink produced in a Cottage Food Operation must physically be altered or processed.

All sales must be direct-to-customer. This can be done by either the owner, a family member, or an employee - all of whom must be listed on the Cottage Food Operator registration form (see section on Employees page 10). Cottage food products may not be repacked, sold, or distributed by a third party.

For additional guidance about Home Kitchen Safety Standards specific to safety protocols, such as refrigeration, equipment, hand washing, transportation, sanitizer, etc. see page 34.

FAQ: What is a Cottage Food Operation

Do I have to be a farmer to apply for a cottage food registration?
No.

Can my kitchen be located in an outbuilding on my property-- such as an unattached garage or shed?
If you are a farmer, yes. If you are not a farmer, then no. The law is written this way in order to prevent persons from turning outbuildings into storefronts. However, there is an allowance for farmers who often have farm property that is not located in the same parcel of land as their primary domestic residence.

Can I make or prepare products in a room other than my kitchen?
Products must be made or prepared in “an appropriately designed and equipped kitchen”. You are allowed to have multiple kitchens in your home but not to use, i.e. a spare bedroom as a makeshift kitchen if it is not appropriately designed and equipped. Contact your local health department for answers specific to your property.

Can I be a registered Cottage Food Operation and have a commercial kitchen license at the same time?
Yes but this can become a complicated situation quickly. Products made for the Cottage Food Operation Registration do not fall under the same rules as those made under the Commercial Kitchen License and vice versa. It’s important to keep very clear records of products made for which business and ensure compliance with the correct set of regulations.

Is my charitable bake sale required to register as a Cottage Food Operation?
No, as long as your charitable organization is only selling non-potentially hazardous baked goods. The law says “(g) A person who produces or packages a non-potentially hazardous baked good for sale by a religious, charitable, or nonprofit organization for fundraising purposes is exempt from the requirements of this Section.”

My friend and I would like to register as a Cottage Food Operation and each use our own kitchen to make products under one business. Is that allowed?
No. A Cottage Food Registration number is specific to one home kitchen location. The law is clear that a Cottage Food Operator or their employees must use a kitchen in the Cottage Food Operator person's primary residence or, for farms, in an appropriately designed building on the farm property. The Cottage Food Operator is one person, who may have additional employees or family members assist, and so there can only be one kitchen registered.

Cottage Food Operator registration is handled by your local health department. You must register in the county in which you reside; however, once registered you may sell in any county in the state. Generally, cottage food registration is handled by Environmental Health professionals within your local health department and they are a vital resource for questions you may have. The application and related paperwork may be located on your local health department's website or by contacting them directly. The cost to register will be no more than $50; however, there may be associated costs for testing and food safety licensure.

You can review a sample application package here. Note, this is just a sample. Your local health department will provide you with a copy with their own branding.

Once you are registered, you will receive a certificate of registration and a registration number. The registration number should be incorporated onto your product labels. This number allows health departments to easily track your product in case of a foodborne illness outbreak or other concerns. It is advised to have your certificate or registration readily available to show health inspectors at all times, especially when vending outside of your county so that local inspectors can verify that you have been registered.

Additionally, if you plan to sell at events outside of your county where you reside, you are advised to notify the health department in that county as a courtesy. Building positive relationships with local health departments will help create mutual respect that enables health departments to ensure public safety and you to vend with ease.

Illinois

COTTAGE FOOD OPERATOR REGISTRATION CHECKLIST

- ☐ Certified Food Protection Manager Certificate
- ☐ List of Products you intend to produce
- ☐ Product Label for each Category of Food Product
- ☐ On Private Water? - > Water Test Results
- ☐ Registration Fee
- ☐ Producing Acidified/Fermented Foods?
- ☐ One of the following:
  - ☐ A completed food safety plan & representative pH test for each product with a different food safety process
    OR
  - ☐ An approved recipe from the USDA National Center for Home Food Preservation or the cooperative extension office of any state
- ☐ Canned tomatoes or tomato products like salsa?
  One of the following:
  - ☐ A pH test for each recipe
    OR
  - ☐ An approved recipe from the USDA National Center for Home Food Preservation or the cooperative extension office of any state

FAQ: Registering as a Cottage Food Operator

What does it cost to register?
The fee to register is capped at $50 by law. This was done in order to make Cottage Food Operations economical for small businesses. Your local health department may charge between $0 and $50.

How often do I have to register?
Annually. Your local health department may process registration on a rolling basis or at a fixed time every year.

Will I be regularly inspected?
No. Unlike restaurants and retailers, your home kitchen will not be inspected by a local health department upon registration. However, a local health department may inspect your home kitchen if there is cause to believe your products are not safe or not in compliance with the law. See Inspections (Page 38) for more information about inspections.

What's the difference between a "registration" and a "license"?
Registration does not involve an inspection and generally refers to a simpler process. Licensure comes with inspections and a formal process with related costs. A commercial kitchen is a licensed operation.

What do I do if I want to add a product later in the year after I've already submitted my cottage food registration form?
Speak to your local health department. They will have a process to amend your registration that should be simple and straightforward. This process may vary from county to county.

How long will it take for my registration to be approved?
It can take up to six weeks, depending on the workload of your local health department at the time of your application. Health Departments deal with many varied issues so it is possible for unpredictable outside pressures (i.e. a pandemic) to extend the timeline of approving your application. Apply early to minimize this impact on your business.

CERTIFIED FOOD PROTECTION MANAGER (CFPM)

All Cottage Food Operators and any person helping to prepare or package food products as part of the Cottage Food Operation must have completed the Certified Food Protection Manager certification course and passed the exam before the Cottage Food Registration can be approved.

There are multiple food safety trainings online and it can be confusing which one you should take. In order to become a Cottage Food Operator, you must get your Certified Food Protection Manager Certificate. Look for a course that is ANSI approved, at least eight hours long, with a proctored exam. The cost of the training varies but is usually between $100-$300 and is valid for five years.

There are currently six ANSI approved companies that offer the Certified Food Protection Manager Certification exam. The courses and exams are offered both online and in person depending on the company that you choose. Your local health department may maintain a list of local Certified Food Protection Manager course providers.

NOTE: The Food Handler training is NOT valid for Cottage Food Operators. The training you are looking for is the Certified Food Protection Manager training.

Visit Here for a list of companies with an ANSI approved exam

FAQ: Certified Food Protection Manager (CFPM)

Is the test hard?
The course is designed to prepare you for the test. If you follow the course, you should do fine on the test.

I'm under 18 years old-- can I take the test?
This is up to the company or instructor administering the course and exam. But generally allowed.

How long does the exam take?
The course is around eight hours and then you have up to two hours to take the exam. It's not recommended to take the exam without the course, even as a refresher.

Are there resources to help me study for the test?
Yes. The company administering the course and test may have materials in advance to study, at their discretion. The course material is intended thoroughly to prepare you to take the exam as instructors are tracked on their pass/fail rates.

What happens if I don't pass the test?
You may retest. Within the first 30 days, you may take the exam twice. If you don't pass the exam on your second attempt, you must wait 60 days from your most recent attempt to attempt again. No more than four attempts are allowed within a 12 month period.

How much does the test cost?
Pricing is set by the testing company but generally falls between $100-$300.

Can I take the test virtually?
Yes. Many ANSI approved companies offer virtual examination options.

How often do I have to renew my CFPM certification?
Every five years.

I have young employee(s) who would struggle to pass the CFPM test. Are they required to take it if they are working under my direction?
Yes. However, it is possible to ask for accommodations or assistance taking the CFPM such as asking for a proctor to read questions aloud, etc.

EMPLOYEES

Employees are allowed under cottage food law. All persons that prepare or package food must have their Certified Food Protection Manager (CFPM) Certificate. As Cottage Food Operations are not inspected, a CFPM is required by all food handlers in order to ensure public safety.

The CFPM is not required for employees that handle sales, marketing, administration, or other facets of the business.

FAQ: Employees

Is there a limit to the number of employees I can have?
No.

Do my employees need to take the CFPM?
Maybe. Only employees that prepare or package food must have their CFPM.

As of January 1, 2018, all food and drink are permitted, except for what is specifically prohibited in the law, outlined below:

- Meat, poultry, fish, seafood, or shellfish;
- Dairy, except as an ingredient in a non-potentially hazardous baked good or candy; or as an ingredient in a baked good frosting, such as buttercream;
- Eggs, except as an ingredient in a non-potentially hazardous food, including dry noodles, or as an ingredient in a baked good frosting such as buttercream, if the eggs are not raw;
- Pumpkin pies, sweet potato pies, cheesecakes, custard pies, creme pies, and pastries with potentially hazardous fillings or toppings;
- Garlic in oil or oil infused with garlic, except if the garlic oil is acidified;
- Low acid canned foods;
- Sprouts;
- Cut leafy greens except for cut leafy greens that are dehydrated, acidified or blanched and frozen;
- Cut or pureed fresh tomato or melon;
- Dehydrated tomato or melon;
- Frozen cut melon;
- Wild-harvested, non-cultivated mushrooms;
- Alcoholic beverages; Kombucha

NOTE: Any food or drink listed in this section may still be sold if it is produced in compliance with regular agricultural or commercial food preparation laws and rules (i.e. made in a commercial kitchen). The Cottage Food Law, which allows for food preparation in a home kitchen, is just an exception to regular commercial food laws and rules. If you wish to make a food listed in this section, please contact your local health department to learn more about the commercial food preparation rules in your county.

Some higher risk products do have additional regulations and guidance.

- Acidified/Fermented Foods starting on page 12
- Tomatoes starting on page 15
- Salad dressings, vinegars, infused oils on page 16
- Frostings and icings on page 17
- Cheesy bread or other baked goods containing cheese on page 18
- Fresh-pressed juices or bottled drinks on page 20
- Time and temperature controlled (TCS) Foods such as fresh cut fruit and vegetables (zucchini noodles, pasta salads with vegetables, fruit bowls, etc.) and heat-treated produce such as vegan soups and meals on page 20

What are Acidified and Fermented Foods?

According to the Illinois Cottage Food Law: A food is "acidified" if: (1) acid or acid ingredients are added to it to produce a final equilibrium pH of 4.6 or below; or (2) it is fermented to produce a final equilibrium pH of 4.6 or below.

“Acidification is the process of adding a certain amount of acid (generally vinegar or citrus) to a vegetable or fruit in order to safely preserve it (pickling is a common way to acidify vegetables or fruits).”

Fermented foods, such as sauerkraut, kimchi, and fermented hot sauces are slightly different from acidified foods. Fermented foods are foods whose pH is reduced not by the addition of acids or acid foods, but by the by-products of a bacterial fermentation process that can take several weeks or more.

What is required to sell Acidified and Fermented foods under Cottage Food?

If you choose to make acidified or fermented foods under Illinois Cottage Food Law, you have two options:

1. **Use an approved, lab-tested recipe**
   Approved recipes are recipes from the U.S. Department of Agriculture (USDA) National Center for Home Food Preservation or from the Cooperative Extension of any state that have been lab tested for safety. If using an approved recipe, you must follow the ingredient list and recipe process exactly. (See Approved Recipe Resources page 23)

2. **Create your own recipe and submit a food safety plan**
   Perhaps you have a family recipe that you'd like to follow, or you'd like to swap in seasonal ingredients into your recipe based on what's available on your farm or garden. In this case, you would need to submit a Cottage Food Safety Plan for Acidified/Fermented Foods.

You can review both a sample and a blank copy of the Cottage Food Safety Plan for Acidified/Fermented Foods with Hazard Analysis Chart here. Note, this is just a sample. Your local health department will provide you with a copy with their own branding.

A Cottage Food Safety Plan is a specific worksheet provided to you by your local health department as part of your Cottage Food Operator Registration. A Cottage Food Safety Plan will ask you to identify the production process, all ingredients you might use over the registration period for that process, equipment used, how you will store and transport the products from this process and ask you to complete a simplified Hazard Analysis Chart for each step of this process.

As part of the Cottage Food Safety Plan, you will also be asked to submit a pH test from a lab that indicates your process produces a final equilibrium pH of 4.6 or below. A pH test from a lab generally costs between $15-$40. A list of labs can be found on page 26.

The Cottage Food Safety Plan is based on processes-- not recipes. You do not need to complete a Cottage Food Safety Plan for each individual recipe; however, you must complete one for every different process. Likewise, you do not need to submit a pH test for each recipe, just for one recipe that undergoes your process as evidence your process is safe.

The Cottage Food Safety Plan must be resubmitted annually as part of your annual registration. This is a good time to review and update your process if needed. The same pH test can be used as part of your Food Safety Plan for three years. After three years you will need to resubmit a new and current pH test. This is to help ensure that food safety standards are being maintained.

What are Acidified & Fermented "food safety process(es)" that you might apply for?

- Nadyne produces several pickled vegetables following a general recipe with a brine 3:2:1 ratio of 3 parts vinegar, 2 parts water, and 1 part sugar. Nadyne uses this same process for several different combinations of vegetables and spices. Nadyne would apply for one process - Pickled Vegetables

- Angie cooks some peppers and spices then adds 20% by weight vinegar and bottles these hot sauces. Angie also takes peppers and adds a 3% salt brine then ferments them in an appropriate container. Once fermented, she strains the peppers, blends them and adds a mixture of 50% of the reserved brine and 50% vinegar back then simmers the mixture for 15 minutes before canning. While Angie is producing hot sauces, she would apply for two processes - Acidified Hot Sauce and Fermented Hot Sauce

Product packaging and sales

Acidified or Fermented foods may be canned or uncanned depending on the Cottage Food Operator's wishes.

If canned, these foods must be processed in a boiling water bath in either a mason-style jar or a glass container with a tight fitting lid (i.e. a woozy bottle with a heat tolerant lid). See Home Canning (Page 24).

If uncanned, these foods must be stored in any container that is new, clean, and seals properly. If you do not intend to can your acidified or fermented product, you will be required to store, transport and sell your product under 41 degrees F.

FAQ: Fermented and Acidified Foods

Why do I need to refrigerate my fermented foods?
If your fermented food is not canned (processed in a boiling water bath in either a mason-style jar or a glass container with a tight fitting lid), then they must be stored, transported and sold at 41 degrees F.

Do I have to create a food safety plan for all my acidified and fermented foods?
You will need to create a food safety plan for each acidified or fermented food process you use. A process may cover several products with different recipes that follow the same pattern.

Do I have to create a food safety plan for every recipe?
No. You'll need to create a food safety plan for every acidified or fermented process you use. A recipe has specific ingredients and instructions. A process covers specific instructions that can apply to several recipes.

If I'm following an approved recipe, can I make substitutions or swap in seasonal ingredients?
No. Approved recipes are very specific on the ingredients and have been extensively tested only for those ingredients. Substitutions or swaps invalidate the approved status as those ingredients can change the safety of the recipe.

CANNED TOMATOES

Canned Tomatoes also must follow a specific set of guidelines in addition to the Cottage Food Operator Registration form. In order to sell canned tomatoes or a canned product containing tomatoes, a Cottage Food Operator shall either:

1. Follow exactly a recipe that has been tested by the United States Department of Agriculture (USDA) or by a state cooperative extension located in this State or any other state in the United States. Find Approved Recipe Resources on page 23.

2. Submit the recipe, at the cottage food operator's expense, to a commercial laboratory for a pH test showing that the product has been adequately acidified; use only the varietal or proportionate varietals of tomato included in the tested recipe for all subsequent batches of such recipe; and provide documentation of the test results of the recipe submitted to an inspector upon request during any inspection authorized.

Why do the varietals of tomato matter?

Different varietals (cultivars) of tomatoes like Early Girl, Kellogg's Breakfast, or Beefsteak can have very different pH levels. This variation in pH can drastically change the amount of acid needed to reach a safe and stable final product pH under 4.6

SALAD DRESSINGS, VINEGARS, INFUSED OILS

Salad dressings, vinegars, and infused oils are allowed as long as they do not contain a prohibited ingredient such as garlic, that has not been acidified, in oil or infused in oil. Certain bacteria, most notably Clostridium Botulinum, can thrive in high pH anaerobic environments, laying dormant until conditions are favorable to produce the toxin that causes the potentially deadly foodborne illness Botulism. Vegetables and herbs stored in oil create an anaerobic environment. Ground dwelling crops such as garlic and onions are especially likely to be contaminated with C. Botulinum spores, posing a large risk. Acidifying vegetables or herbs before combining with oil creates an environment that is unsuitable for C. Botulinum spores. It is recommended that you adequately acidify any product that will contain vegetables and herbs in oil. The final product should reach a pH equilibrium of 4.6 or below. As an acidified product, see Acidified/Fermented Foods (Page 12).

FAQ: Salad Dressings, Vinegars, Infused Oils

Can I use acidified garlic in my oil based salad dressing?
Yes, but only if your final product is acidified following the rules laid out in Acidified/Fermented Foods (Page 12)

Is C. Botulinum actually dangerous? I don't know anyone who's ever gotten sick with it.
Absolutely, Yes. Unlike other food illnesses, C. Botulinum is rare but causes significantly more severe illness, usually involving paralysis and death. The state of Illinois has seen deaths from C. Botulinum within the last year. A business causing a C. Botulinum outbreak could potentially be sued related to the death of a consumer.

DAIRY

Dairy is allowed within non-hazardous baked goods, candies and caramels. Raw milk products are not allowed as ingredients. In these instances, dairy should not be the feature part of the recipe and should be completely combined into the product, i.e. three tablespoons of milk in a bread recipe, a tablespoon of cream in a caramel candy, etc.

Frostings and Icings

Frostings and icings, such as buttercream are allowed under Cottage Food Law. These frostings and icings may not contain raw eggs. Powdered dehydrated eggs, as in meringue powder, are allowed. Dairy, such as butter and cream are allowed in frosting. In general, it is accepted that dairy in a buttercream frosting that does not include eggs is a stable product because of the large amounts of powdered sugar added. Sugar binds with available water and creates a product with a lower Water Activity.

Stable Buttercream Frosting Recipe

Ingredients:

- 2 sticks unsalted butter
- 3 cups powdered sugar
- 1-2 tablespoons heavy cream
- 1 teaspoon vanilla
- Salt to taste
- Gel Coloring (if desired)

Directions:

- Cream butter. Add vanilla and 1 cup powdered sugar and mix until combined. Add 1 cup powdered sugar and 1 tablespoon of heavy cream then mix until combined. Add salt, any coloring desired and final 1 cup of powdered sugar, mix until combined. May add up to 1 more tablespoon of heavy cream to adjust the consistency of frosting.

**This is not a lab tested recipe*

Although not required by the law, your local health department may ask you to provide a water activity test to verify your recipe produces a non-hazardous product that does not need to be stored, transported and sold under 41 degrees F (see Potentially Hazardous Foods or TCS Foods, page 20). If you cannot verify that your frosting is shelf stable, they may ask you to store, transport and sell your frosting under 41 degrees F. Cream cheese frosting should always be transported and sold under 41 degrees F.

Baked Goods with Cheese

Baked goods with cheese can be potentially hazardous foods. Cottage Food Operators are only allowed to produce non-potentially hazardous baked goods with cheese. Cheesecake, custard pies, cream pies, etc. are not allowed as these are hazardous baked goods. Generally, the risk in baked goods with cheese can be mitigated by creating a water activity of 0.85 or less in the finished product. Examples of non-hazardous baked goods with cheese include cheddar sourdough, asiago bagels, or parmesan croissants.

In order to sell a baked good with cheese product that has a higher chance of a high water activity level, your local health department may require a test to verify that your recipe produces a non-potentially hazardous product. (Water Activity Tests page 25) (Potentially Hazardous Foods or TCS Foods page 20)

CUT LEAFY GREENS

"Leafy greens" include iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce; escarole; endive; spring mix; spinach; cabbage; kale; arugula; and chard.

"Leafy greens" does not include microgreens or herbs such as cilantro or parsley.
"Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, torn or otherwise made into smaller pieces; it does not mean the harvest cut.

This means that items like fresh salads, freshly chopped and sautéed spinach, or fresh torn kale in vegan soup are not allowed UNLESS you are using microgreens, baby greens, or leafy

greens that have only received the harvest cut and have not been torn, chopped, or cut in any other way.

However, greens that are cut up and dehydrated, acidified*, or blanched and frozen may be sold and may be used in cooked and chilled or frozen soups or other products. This means dried kale chips are ok and so are frozen bags of spinach. Frozen or chilled, sauerkraut and kimchi are also allowed (See Acidified/Fermented Foods Page 12).

*Acidified greens must comply with rules related to acidified products found on page 12.

MUSHROOMS

Mushrooms are allowed as an ingredient under cottage food laws. However the use of wild-harvested or foraged mushrooms is not allowed. Your labels should indicate the mushroom variety common names. Your local health department may request confirmation that mushrooms used in your products are cultivated. For mushrooms purchased commercially, your receipt should suffice. For mushrooms grown by the Cottage Food Operation, proof may be provided in the form of receipts from the purchase of spores or other records associated with cultivation.

FAQ: Mushrooms

I want to sell mushroom growing kits. Are these regulated under Cottage Food Laws?
No, mushroom growing kits are not a food and not regulated by the cottage food law.

I forage ingredients that are not mushrooms, are those allowed as ingredients in my cottage food products?
Yes, only wild foraged mushrooms are prohibited

FRESH-PRESSED JUICES OR BOTTLED DRINKS

Fresh-pressed juices are allowed but may be subject to Federal regulations in addition to State regulations specific to Juice. Labeling regulations for fresh-pressed juice can be found in here: section 101.17(g). Unpasteurized juice must include a warning label:

“WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.”

Products must be bottled and labeled at production in your home kitchen. On-site fresh pressed juice (i.e. made to order at a farmers's market), is not allowed. Allowed drinks should be stored, transported and sold under 41 degrees F. Kombucha, Alcoholic Beverages and Drinks containing prohibited ingredients are NOT allowed under Cottage Food Regulation.

POTENTIALLY HAZARDOUS FOODS OR TCS FOODS

Some products that do not have specific requirements under Cottage Food Law may still be potentially hazardous. These types of products are often referred to as TCS Foods by health departments in reference to the term “Time/Temperature Control for Safety”. The law is very clear that Cottage Food producers may sell any product that is not directly listed as a prohibited product or containing a prohibited ingredient. If a local health department has decided a product is potentially hazardous, or TCS, but not directly mentioned within the Cottage Food Law, your

local health department may ask that you store, transport and sell that product under 41 degrees F. If you do not wish to store, transport and sell your product under 41 degrees F, your local health department should allow for you to provide a test, such as a pH test or water activity test, that verifies your process or recipe produces a non-hazardous product that does not need to be stored, transported and sold under 41 degrees F.

Examples of TCS foods include:

- Fresh or frozen vegan soups
- Fresh or frozen cut or spiralized vegetables
- Vegan ice cream
- Vegan meals-to-go
- Par-baked vegan pizza dough
- Hummus and other dips
- Refrigerator pickles or acidified/fermented products that are not canned

FAQ: Potentially Hazardous Foods or TCS Foods

At what temperature must I store TCS foods?
At or under 41 degrees F.

At what temperature must I transport TCS foods?
At or under 41 degrees F.

Are there any requirements on the type of refrigeration or equipment that I must use to keep my products at 41 degrees or below?
No, as long as the equipment is clean, in good working order and keeps your products at 41 degrees F or below. A thermometer in the warmest location, and recorded temperature log of your equipment, can help establish products are at or under 41 degrees F. Failure to hold products at 41 degrees F may result in the destruction of products. Mechanical refrigeration is encouraged but not required.

FAQ: ALLOWED FOODS

Can I make a concentrated herbal extract or tincture under Cottage Food?
Yes, as long as you do not sell your product as a medicine or advertise any health claims. Medicine and health statements are regulated under a different set of state and federal regulations. Cottage Food regulations do not exempt operators from other regulations.

If I use alcohol to make flavor extracts like vanilla extract, may I sell those?
Yes, as long as your extracts are not intended for use as a beverage.

I'd like to make and sell my own Kombucha. Is this allowed?
No. Kombucha is directly prohibited in the law.

Are dehydrated foods allowed?
Yes, as long as no prohibited ingredients (such as meat, dairy, etc.) are included. For safety, aim for a water activity of 0.85 or less. (No test is required by law for dehydrated foods.)

Are par-baked products allowed?
Yes, as long as no prohibited ingredients (such as meat, eggs, dairy, etc.) are included. Your local health department may ask you to treat these products as Potentially Hazardous Foods or TCS Foods (see page 20).

Can I sell honey from my bee hives?
Yes. Honey is a product regulated under the Department of Agriculture and not considered a Cottage Food product.

Is plain whipped honey regulated under Cottage Food?
No. Honey is a product regulated under the Department of Agriculture. If you infuse or whip an ingredient into the honey, that product made in a home kitchen falls under Cottage Food. Air is not an ingredient.

Infused oil or products in oil
Yes, as long as no prohibited ingredients (such as meat, garlic, etc.) are included. Infused oils can be dangerous when infused with ground touching crops such as onions. Please use caution and speak to your local health department if you have concerns.

I want to use powdered milk in my rolls. Is that allowed?
Yes, as an ingredient in a non-potentially hazardous baked good, candy or frosting, only.

I make a variety of barbeque sauces. Can I sell them as a shelf stable product?
Maybe, depending on the process used. Barbeque sauces that have a final pH at or below 4.6 would need to follow the processes outlined in Acidified/Fermented Foods (Page 12). Barbeques using fresh tomatoes would need to follow the processes outlined in Canned Tomatoes (Page 15) to be considered shelf stable. Barbeques that are not acidified are not considered to be shelf stable and would need to follow processes outlined in Potentially Hazardous Foods or TCS Foods (Page 20). As you can see, more complicated products can often fall under different rules depending on ingredients and processes. Your local health department can help you in identifying the correct process for your recipe(s).

Approved Recipes are recipes that have gone through a rigorous testing process to ensure a consistently safe product using the specific ingredients, measurements, and processes outlined in the recipe. These are only considered Approved IF they are not modified in any way. Approved recipes come from two sources: The USDA National Center for Home Preservation Recipes and State Extension Services. While recipes from other services are often safe and well regarded, they are not tested to the same rigorous standards and as such are not considered Approved Recipes.

Find approved recipes here:

- National Center for Home Preservation
- USDA Complete Guide to Home Canning, 2015 revision
- There is no central database of State Extension Approved Recipes. There is a database for articles that may contain Approved Recipes.

HOME CANNING

Boiling Water Bath Canning VS. Pressure Canning

Water Bath Canning: Safe Products

- Fruit jams, jellies, preserves, conserves and marmalades
- Tomatoes, tomato sauces without meat, and salsa. However, tomatoes are borderline between high and low acid and need acid added to them (commercial lemon juice or vinegar). Tomato recipes must be tested for pH levels and comply with specific tomato rules (See Canned Tomatoes page 15) .
- Fermented foods, such as crock/fermented pickles, kimchi, and home canned sauerkraut must comply with specific Acidified and Fermented food rules (See Acidified/Fermented Foods page 12)
- High-acid foods or acidified foods or foods to which a sufficient amount of vinegar is added, such as pickles and pickled products (See Acidified/Fermented Foods page 12)

Under Cottage Food Law, only high acid foods may be canned. These foods may be naturally high acid, as in strawberry jams and fruit syrups, or may have acid added to bring the final level to 4.6ph or below, as in pickles and canned tomato products.

Before doing any canning, it is essential that you understand the difference between the two methods of canning (Boiling Water Bath Canning and Pressure Canning) and that you use the correct method for the product you are preserving. Knowing which one to use for canning Cottage Foods, and how to use it correctly, will protect the health and safety of those consuming the product. Before selling your canned products, please read "About Food Preservation" at University of Illinois Extension's website, [From Garden Gates to Dinner Plates: Illinois Cottage Food Law.]

Can I Can It?

- **Pepper Jelly:** YES, if sufficient acid is added
- **Pumpkin or Apple Butter:** YES
- **Blackberry Preserves:** YES
- **Strawberry Rhubarb Jam:** YES
- **Pickled Asparagus:** YES
- **Maple Syrup:** YES
- **Peaches in Syrup:** YES
- **Corn:** NO, unless sufficient acid is added (Corn Relish) and a Cottage Food Safety Plan is submitted
- **Green Beans:** NO, unless sufficient acid is added (Pickled Green Beans) and a Cottage Food Safety Plan is submitted
- **Corn Salsa:** YES, if sufficient acid is added and a Cottage Food Safety Plan is submitted
- **Horseradish:** YES, as long as no other prohibited foods, like dairy, are added.

Boiling Water Bath Canning

Heat is transferred to the food by the boiling water that surrounds the jars. This boiling temperature of 212°F for the time

specified in an approved recipe is sufficient to destroy molds, yeasts, enzymes, and some bacteria. Processing times are usually given for altitudes under 1,000 feet above sea level.

Illinois' mean elevation is 600 feet above sea level with the highest point of elevation (1,235 feet) at Charles Mound in northern Jo Daviess County. At higher altitudes, water boils at lower temperatures, making it necessary to process foods longer.

Pressure Canning

Pressure Canning is used primarily to can low-acid foods, which are not allowed under Cottage Food Regulations.

TESTING

Testing is a concrete means of proving the safety of a cottage food process. As a part of the law, you may be required to provide a test result for your product(s). These tests are generally offered “ala carte” by professional labs for a reasonable fee. Keep in mind that testing can take time, so plan ahead! The cost of testing is in all cases the responsibility of the Cottage Food Operator.

Common types of food tests

- **Lab pH Test**
    - This test determines the acidity of your product. A result of 4.6 or lower is the safe limit required for acidified and fermented products. Home test kits can give you an idea of the pH of your product before and after canning, but are not always completely accurate. It is recommended that you keep a record of pH testing at home using pH strips or a home pH meter in addition to any required lab testing. This practice helps in understanding the pH variables for your products, resulting in higher safety standards in between lab testing. A lab pH test is required every three years as part of each Acidified or Fermented food process application or yearly for tomato products. Generally pH tests cost between $15-$40.

- **Water Activity Test**
    - Water is required for many harmful bacteria, yeast and mold to grow. Products that depend on low water activity to limit bacteria, yeast and mold growth may benefit from a water activity test to certify that food processes are safely producing a product with a water activity of 0.85 or less. Health Departments may require this test for baked goods containing cheese. Generally Water Activity Tests cost between $20-$60.
- **Water Sample Test**
    - If your cottage food operation does not utilize municipal water supply, your local health department may require a Water Sample Test to verify your water supply meets public health safety standards related to E. Coli coliform. Generally Water Sample Tests cost between $10-$30.

Labs and Lab Contact Information*

Alliance Analytical Labs
179 W. Randall Street,
Suite A
Coopersville, MI 49404
Phone: (616) 837-7670
jeremy@aatestlabs.com

Deibel Labs
7120 N. Ridgeway Ave
Lincolnwood, IL 60712
Phone (847) 329-9900
www.deibellabs.com

EMSL Food Testing
200 Rt. 130 N.
Cinnaminson, NJ 08077
Phone: (312) 590-4870
www.foodtestinglab.com/

Q Laboratories Inc.
1930 Radcliffe
Cincinnati, OH 45204
Phone (513) 471-1300
www.qlaboratories.com

IEH Laboratories & Consulting Group
15300 Bothell Way NE
Lake Forest Park, WA 98155
Phone : (206) 522-5432
www.iehinc.com

**This is not a complete list of available labs*

Frequently Asked Questions about Testing

What happens if your pH or Water Activity test comes back unsafe?
If you are testing as part of your application to sell a product such as an Acidified food or Tomato product, modify the recipe or process and retest until results come back in the correct parameters. (See Testing page 25.)

If you have been approved to sell a TCS Food under 41 degrees F and are testing to prove shelf stability, but your test does not show a shelf stable product you can:

- Continue to store, transport and sell, under 41 degrees F, any product that does not test safe for room temperature storage, transport and sale.
- Modify the recipe or process and retest until results come back in the correct parameters (See Testing page 25.)

What steps should you take if your Water Sample Test comes back unsafe?
Stop using your water and call your local health department. If there are low amounts of coliform bacteria, the health department may advise that the water should be retested because this can indicate a testing error. If there are high levels of coliform or any amount of E. coli, your local health department will advise on chlorinating the well or request that a licensed well contractor evaluate the well.

SALES AVENUES

As of January 1, 2022, cottage food is permitted to be sold directly to consumers within the State of Illinois. This includes, but is not limited to:

- sales through farmer's markets,
- delivery to customers,
- fairs, festivals, and public events
- online
- pickup from the private home or farm of the Cottage Food Operator
- third party private property with consent of the property owner
- shipping* within the State

*Only food that is non-potentially hazardous may be shipped. Each cottage food product that is shipped must be sealed in a manner that reveals tampering, including, but not limited to, a sticker or pop top.

FAQ: Sales Avenues

Can I ship my products out of state?
No. Cottage Food Laws do not allow products to be shipped out of state. Additionally, products crossing state lines are considered interstate commerce and subject to Federal rules and regulations.

Can I sell across state lines?
Illinois' Cottage Food Law only regulates sales within state lines. Products crossing state lines are considered interstate commerce and subject to Federal rules and regulations.

Can I sell from my home?
Yes, as long as you comply with local zoning regulations that are not inconsistent with state law. See Local Zoning and Regulations on page 32.

Is there a sales cap on my earnings?
No! In previous versions of the bill there had been limits but those no longer apply.

Can I have a street cart and sell from public sidewalks?
Yes as this is a direct to customer sales outlet. Local municipalities may have additional regulation and permitting required to sell from a street cart or sidewalk stand. This is sometimes referred to as a "Peddler's License". Contact your local municipality for more information.

Can I sell my product to a bakery or grocery store to resell?
No. Cottage Food Laws specifically state "Food and drink produced by a Cottage Food Operation shall be sold directly to consumers for their own consumption and not for resale."

Can I sell my product to a restaurant to use as an ingredient in their menu?
No. Cottage food laws specifically state "Food and drink produced by a Cottage Food Operation shall be sold directly to consumers for their own consumption and not for resale." Use as an ingredient in an item that will be sold is considered resale.

Can I sell from a private parking lot?
Yes. With permission from the private property owner.

Can I sell my product to a farmer to resell to their customers through their CSA?
No. Cottage Food Laws specifically state "Food and drink produced by a Cottage Food Operation shall be sold directly to consumers for their own consumption and not for resale."

Can I sell through Etsy?
Yes. However, sales may only happen within the State of Illinois. You are not allowed to ship or deliver out of state. Also, you must provide clear signage on your Etsy page to notify shoppers that your product was made in a home kitchen not inspected by a health department. (Signage on page 31)

Can I sell through online farmer's markets?
Yes. Your products should be clearly identified according to Cottage Food signage and labeling requirements and it should be clear that the products are being sold by your business. (See signage on page 31.) Sales may only happen within the State of Illinois. You are not allowed to ship or deliver out of state.

Can I rent a space and sell in a craft mall?
Yes. But you or your direct employee must be present handling direct sales to customers of your products for your business. You are not allowed to rent a space and leave products. You must be present for the sales transaction and you must follow proper signage and labeling requirements. (Labeling below, and Signage page 31.)

LABELING

Items produced by Cottage Food Operations must be pre-packaged and conform with the labeling requirements of the Illinois Food, Drug, and Cosmetics Act.

Labels should include:

- The name of the Cottage Food Operation and unit of local government in which the Cottage Food Operation is located
- The identifying registration number provided by the local health department on the certificate of registration and the name of the municipality or county in which the registration was filed
- The common or usual name of the food product

Example: If the cottage food operation is making wheat bread they have the following two options:

1. Include the allergen in the ingredient list. For example: (Whole wheat flour, water, salt, and yeast.) In this example the statement "Whole Wheat Flour," meets the requirements.

2. Include an allergen statement ("Contains:") after the ingredient list. For example: (whole wheat flour, water, sodium caseinate, salt and yeast. Contains: wheat and milk) The "Contains" statement must reflect all the allergens found in the product. In this example, the sodium caseinate comes from milk so it is listed as an allergen.

- All ingredients of the food product, including any color, artificial flavor, and preservative, listed in descending order by predominance of weight shown with the common or usual names
- The following phrase featured prominently on the label:
    - "This product was produced in a home kitchen not inspected by a health department that may also process common food allergens. If you have safety concerns, contact your local health department."
- The date the product was processed
- Allergen labeling as specified in federal labeling requirements. This means that a cottage food operation on its label must identify if any of the ingredients are made from one of the following food groups: milk, eggs, wheat, peanuts, soybeans, fish, tree nuts, and shellfish.

Food Packaging may include a special "Illinois-grown", "Illinois-sourced", or "Illinois farm product" if the product is grown in Illinois or processed and packaged in Illinois, using at least one ingredient grown in Illinois.

BUY FRESH BUY LOCAL Illinois

Cottage Food Operators that are using local ingredients direct from Illinois farms are also encouraged to create a business listing with Buy Fresh Buy Local Illinois at www.buyfreshbuylocalillinois.org, a statewide directory and marketing project to help consumers find local farms and the businesses that use or carry their products.

In the case of a product that is difficult to properly label or package, or for other reasons, you may ask for exception from the local health department of the location where the product is sold to sell products that are not pre-packaged. For example-- a wedding cake, or donuts from a bin instead of individually packaged. It is mandatory that you provide other prominent signage at the point of sale to convey the information that would have been required on the label.

FAQ: Labeling

If I use pre-made products like chocolate chips in my own product, do I need to list out all of the ingredients in the pre-made product?
Yes. Federal labeling requirements apply to Cottage Food Operators and these regulations require that all sub-ingredients be listed, largely due to allergen concerns. You are allowed to ask for an exception but must do so from the health department of each county where you will sell your products.

My product is difficult to individually package-- what do I do?
Apply for an Exception. You are allowed to apply for an exception to the labeling/packaging requirements but must do so from the health department of each county where you will sell your products.

My product is very small and I can't fit all of the information on the label-- what do I do?
Apply for an Exception. You are allowed to apply for an Exception to the labeling/packaging requirements but must do so from the health department of each county where you will sell your products.

How large does the warning statement need to be?
It must be legible and on the main label.

Why do I need to put a warning label on my product? That doesn't seem fair.
Yes. Cottage Food is intended to relax regulations for lower risk foods made by small producers to reduce the burden on small businesses. That balances the smaller potential impact (amount of people who could get sick) with the potentially higher chance of getting sick compared to commercial food operations. This risk is something Cottage Food Operators are required to provide notice of to consumers so those consumers can make an educated decision.

Can I add claims such as vegan, gluten-free, etc?
Yes, if those claims are factual, proven, and direct. For example, "vegan" is allowed because it can be verified by review of the ingredients. For example, "Makes you Healthier!" is not allowed because it can not be verified without significant testing and is a vague statement. In general, health statements are regulated under additional federal guidelines and should not be on Cottage Food products unless those federal guidelines are met. Contact your local health department for additional information.

SIGNAGE

Your cottage food business is required to have signage at the point of sale. At a physical display, notice should be in the form of a placard. Online, notice should be a message on the Cottage Food Operation's online sales interface at the point of sale. Wherever you are selling your product, your signage must display:

"This product was produced in a home kitchen, not inspected by a health department, that may also process common food allergens."

Local governments may have additional zoning or local business laws that affect signage. (See Local Zoning and Regulations page 32.)

FAQ: Signage

How large does the physical signage need to be at my sales location?
8in x 10 in minimum

I'm selling from my home--where should I put the signage?
Prominently displayed at the point of sale. Your local municipality may have laws that apply to all residential businesses in regards to signage on the outside of your home.

I'm selling online from a website, social media page, or online ordering system, where should I put the signage?
This must be on your shop page, at the point of sale. You are encouraged to include this information in multiple locations.

LOCAL ZONING AND REGULATIONS

Understanding Pre-emption:

The cottage food law says that local governments may not enforce their own laws that are inconsistent with the State of Illinois law. As a result, a local government is not allowed to tell you that a cottage foods operation is illegal, or that Cottage Food Operations may not sell foods that are in fact allowed by the state, or that a Cottage Food Operation may not sell food outside of farmers markets. In legal terms, the local governments are preempted.

Because the State of Illinois law says cottage food businesses can operate selling homemade foods, as long as they meet the requirements in that law, your municipality should not enforce a law that contradicts State of Illinois law. If you believe your municipality is trying to enforce regulations that are inconsistent with the State of Illinois law (such as not permitting you to register your business), follow the steps outlined in "What to do if you experience a roadblock" on page 41.

You might also point out the pre-emption language in the Cottage Food Law and ask your local government to show that language to their attorney so they can learn about their scope of authority.

Zoning and additional regulations

Local governments and zoning laws do have some authority to set limitations on things that could happen as a result of you running your business (think traffic limits, number of clients you can see in a day, noise levels, outdoor signage, etc.). Those are issues that are not covered by the state law, and local governments have the authority to regulate them. For example, a local government may have rules about whether you are allowed to put up a sign for your business in a residential area; it may have rules about the number of customers you can allow in your home at one time; it may have rules about the kind of permit you need to sell on public property; it may require building permits for you to build out a kitchen. In fact, there is a specific provision saying that Chicago may apply the rules that apply to home occupations.

These kinds of restrictions can be tricky to deal with, but you're not out of luck. Exceptions to these rules can sometimes be made on a case-by-case basis if entrepreneurs can show that their business is unlikely to cause the kinds of problems zoning boards worry about. This review process is typically called a variance. If these are the kinds of rules holding you back, reach out to your local zoning board. Some zoning boards only deal with one city, while others cover entire counties, so search online at the city, township, and county levels to find the zoning board that directly affects you.

Ordinance:
A law or regulation passed and enforced by a local municipality

Zoning:
A process of dividing a municipality into districts with specific sets of ordinances that guide and limit the land uses within that district. These ordinances can encompass building size, setbacks, signs, residential or business facades, parking, etc. Zoning is an effective way of implementing a city's comprehensive and land use plan.

Variance:
An exception to a local zoning ordinance generally granted by a Zoning Board of Appeals or City Council.

HOME KITCHEN SAFETY STANDARDS

It's important to maintain a high level of food safety while preparing food for your business to prevent customers from becoming sick. As part of your application paperwork, you will receive a Home Self-Certification Checklist to verify that you are complying with food safety standards for a home kitchen. This document outlines the minimum standards you should maintain for health and safety.

You can find a sample Home Self-Certification Checklist here. Note this is just a sample. Your local health department will provide you with their own version as part of your application paperwork.

Home Requirements

- Water from a safe water supply must be used. Water from unsafe sources can cause contamination like E.coli on your hands, equipment, and food.
- Sinks must have both hot and cold water for proper cleaning and sanitation. Hot water makes washing of hands and equipment more effective.
- All bathrooms must have a sink for handwashing. Washing hands in a kitchen sink after using the restroom can allow microorganisms which are transmitted via the fecal-oral route to contaminate food and surfaces.
- Preparation and storage can not take place in a sleeping area. There is a higher risk of potential contamination from areas of the home not designed for food preparation.
- Pets are not allowed in the kitchen. Animals, including pets, can carry diseases which can contaminate food and equipment.
- The home must be free from rodents and insects. Pests harbor diseases that can contaminate food and equipment.
- Chemicals must be used according to label instructions and stored away from food and packaging materials. Chemicals can leave toxic residues on surfaces and equipment if not used properly. Chemicals can also spill onto food or packaging which may cause poisoning if not stored away from food activities.
- Domestic activities such as family meal preparation, guest entertainment, and household chores should not be conducted in the same space at the same time as Cottage Food activities. Doing other activities at the same time as preparing foods for your business may lead to contamination of food or equipment.

Hand Hygiene

- A sink must be available in the kitchen for handwashing. An easily accessible sink makes hand washing easier and more likely to occur.
- Soap and paper towels MUST also be available at the sink. Soap must be used to help reduce germs and particulate matter on the hands. Common cloth kitchen towels SHOULD NOT be used for hand drying as they can re-contaminate hands.
- Hands must be washed often, before food preparation and handling, and any time contamination may have occurred. Proper handwashing prevents the spread of foodborne illness causing germs. The use of hand sanitizer instead of handwashing is not allowed as hand sanitizer is not effective when used while handling food.
- Bare hand contact with the ready-to-eat food product must be avoided during preparation and packaging by using single-use, disposable gloves, deli tissue, tongs, or other utensils. Handwashing does not eliminate all germs from hands. It's also important to not touch the ready-to-eat product with your bare hands to prevent contamination from occurring.
- Cuts or wounds on the wrists or hands must be bandaged and a single-use, disposable gloves must be worn at all times. Bandaging cuts and protecting the area with a glove helps prevent contamination.

Personal Hygiene

- If you or a household member that you care for is ill, especially with diarrhea or vomiting, do not prepare food for your business. Many foodborne illnesses are fecal-oral transmitted. The germs are shed in your stool, transferred to your hands, and then can contaminate food. Additionally, some germs can spread up to 30 feet from where a diarrhea or vomiting "event" occurs.
- Clean clothes and/or aprons must be worn. Dirty clothing may harbor germs which can contaminate food.
- Hair should be restrained with a hair tie, hat, scarf, hair net, or other means. Finding hair in your food can be particularly unappetizing and can also cause contamination.
- Smoking, vaping, and tobacco can not be used while preparing or packaging food. Eating, drinking, and gum chewing is also not allowed. These activities can cause contamination of the hands and surfaces.
- If tasting your food, do not use the same utensil more than once before washing. Reusing the same utensil after touching it to your mouth can cause contamination of the food you are preparing.

Equipment

- Equipment and utensils should be clean and in good condition. Equipment that is not in good condition can harbor disease causing bacteria.

- Surfaces, equipment, and utensils must be washed, rinsed, and sanitized before each use. Proper washing and sanitizing of equipment reduces the number of germs on equipment.

Sanitizer

- Sanitizer must be used on equipment and surfaces to reduce the number of foodborne illness causing germs.
- The most common types of sanitizer are Quaternary Ammonia and Chlorine (bleach).
- Disinfecting wipes and pre-mixed disinfecting sprays should not be used. These can be too strong of a chemical and are often not used correctly to the manufacturers' instructions.
- If using bleach, make sure that it is EPA registered and has wording such as "Kills Germs" or "Sanitizes". Not all bleaches will kill germs– stay away from those that are scented or splashless or only advertise cleaning, brightening, and whitening.
- Test strips for the specific sanitizer should be used. Test strips help make sure sanitizer is being mixed correctly.

Recommended Cleaning Supplies or Ratios

Most pre-mixes such as the Clorox wipes, Lysol sprays, etc. are not appropriate for sanitizing food contact surfaces. Many of them have warnings on their labels not to use on food contact surfaces or to wipe the chemical off with water afterwards. Recommended common sanitizers include EPA registered bleach and Quaternary Ammonia. The concentration of the bleach should be between 50-200ppm. Quaternary is usually 200-400ppm, depending on the manufacturer. The temperature of the water, hardness of the water, age of the chemical etc. can impact the mixing ratio. For this reason, it is important to use a test kit to test the ppm (parts per million) concentration. Roughly, you may use five drops of bleach in a standard spray bottle of water then test and add additional drops as needed to reach the 50-200ppm range. For a kitchen sink of clean water, start with a capful of bleach and test until the 50-200ppm range is reached.

Refrigeration

- Refrigerators must maintain a temperature of 41 degrees F or less at all times. Bacteria can grow at temperatures above 41 degrees F. Many home refrigerators are set to 45 degrees F. A thermometer in the warmest part of the fridge (generally the bottom shelf of the door) can help establish your fridge is holding product under 41 degrees F.
- Freezers must be able to maintain foods frozen.
- Thermometers should be available in the refrigerator to check the temperature. Thermometers are important tools to use to ensure bacteria will not survive and grow on your products.
- Refrigerators and freezers should be kept clean and well organized.

Transportation and Set-Up

- The vehicle and containers used to transport your food should be clean and able to keep dirt, bugs, and other contaminants away from the food. Food must be protected from physical contamination.
- Cold foods must be transported in a way that ensures the product stays at 41 degrees F or less. Bacteria will grow if the food is not held at 41 degrees F at all times.
- Your booth or stand should be clean and clutter free.

Distribution and Sales

- Foods may be shipped if non-potentially hazardous and if they do not leave the State of Illinois. All shipped foods must also have a tamper-evident seal.
- The Home to Market Act is specific to Illinois and only allows Cottage Food products to be sold in the State of Illinois. Crossing state lines means any Food Producer is under the jurisdiction of FDA as well as the laws of the States involved. Being aware of FDA laws and the laws of states you might operate in outside of Illinois is outside the scope of this guide.

FAQ: Food Safety Protocols

Can I re-use disposable gloves?
No. Disposable gloves should be single-use.

Can I use my kitchen regularly for meals when I am not making Cottage Food products?
Yes, as long as those tasks do not happen at the same time as Cottage Food production tasks.

Do I need a separate handwashing sink in my kitchen?
No, you are not required to have a separate handwashing sink in your kitchen, but it is allowed. You should have a separate handwashing sink in your bathroom.

Inspections

Inspections of Cottage Food Operations are not a regular occurrence. Inspections happen in response to specific situations:

- A customer complaint or foodborne illness outbreak
- IDPH or the local health department have reason to believe that an imminent health hazard exists
- The Cottage Food Operator's product has been found to be misbranded, adulterated, or not in compliance with the conditions for Cottage Food Operation
- Notice to the local health department where the Cottage Food Operation is registered from a different local health department of any of the prior options

In response to these situations, a local health department may inspect the premises of your Cottage Food Operation. Health Departments may ask you to stop selling products for a temporary period of time as they schedule, perform the inspection and work with you resolving any concerns that might arise from that inspection. They may invoke penalties or revoke your Cottage Food Operation Registration following a process outlined by your local health department. As this process can be different county to county, it is recommended that you contact your local health department about this process before registering a Cottage Food License or selling food products in their county.

FAQ: Inspections

Can I refuse an inspection?
Yes, but your Cottage Food Operation Registration will likely be revoked and your operation no longer able to make and sell products.

Will they inspect my entire house?
No. The health inspector is only there to inspect the food preparation areas, generally your kitchen.

Where do I find the penalty process followed by my local health department?
Contact your local health department. Different health departments may have this information available in different locations such as their website, local county ordinances, printed enforcement policies, etc. It's best to ask directly before a potential problem arises.

STARTING YOUR COTTAGE FOOD BUSINESS

There are many great resources to starting and running a business. We recommend reaching out to your local Small Business Development Center to connect you with resources specific to your area.

- Illinois Department of Commerce
    - Starting Your Business in Illinois Handbook
- U.S. Small Business Administration
    - Launch Your Business Website

Registering, Accounting Best Practices and Filing for Taxes

Cottage Food Operations, like all businesses, are required to pay taxes. To pay taxes in Illinois, you must register an account with My Tax Illinois. You can find additional resources within My Tax Illinois on filing taxes, EIN number, sales tax rate, etc.

- My Tax Illinois

Insurance

Cottage Food businesses face a unique set of risks depending on the business. Generally these risks are grouped and covered under the following insurance “coverages”. These coverages can protect you and your business from paying out of pocket for claims related to your business. Liability claims can cost your business thousands of dollars and damage your business reputation. The correct insurance can protect your business and reduce the cost you may be required to pay for claims.

- General Liability
    - Designed to protect your business from paying for third-party bodily injury and property damage claims, such as from a customer slipping and falling on your front steps on their way to pick up a product. Homeowner or Rental insurance

generally does not cover claims related to a home business which can leave you exposed to risk.

- Product Liability
  - Protects you from exactly what it sounds like: liability arising from your products such as foodborne illness, unlabeled allergens, etc.
- Business Personal Property (also referred to as “Inland Marine”)
  - Provides coverage for the cost of repairing or replacing broken or stolen business equipment.

Additionally, depending on the specific needs of your business, you may benefit from additional coverages such as:

- Cyber Liability
  - If your business collects or stores information online, on a computer, or on a mobile device, this coverage can protect your business from the costs that arise from experiencing a cyber security breach.
- Damages to Premises Rented
  - If you rent space to do business or participate in events, this coverage protects you from potential damages at those locations. Commonly, event organizers or property owners may require you to include them as an additional insured on your policy. This service can have additional fees or be included in the policy, depending on the insurance company.
- Insurance Canopy Youtube Channel
  - How To Insure Your Food Business The Right Way
  - Insuring Your Business 101
- Food Liability Insurance Program
  - Videos on Cottage Food Insurance topics
  - Website explaining Cottage Food Insurance basics

CONNECTING TO THE COTTAGE FOOD COMMUNITY

There is so much to be gained by connecting with fellow Cottage Food Operators. Together we create a diverse fabric of experiences and interests. Community can provide encouragement, support, ideas, and great conversations. Cottage food is deeply rooted in local communities,

neighborhoods, and friends so often the first place to connect with others is right in your neighborhood through local events, community message boards, and word of mouth.

Those deep roots extend across the state from online communities to state fairs. Connecting with other Cottage Food Operators can be as simple as striking up a conversation with folks when you come across their booths, stalls, etc. at local fairs, farmer's markets, contests, etc. Social Media also presents a variety of opportunities to connect with other Cottage Food Operators. Local home and handmade business groups, cottage food entrepreneur groups and simply following your fellow cottage food businesses can provide opportunities to ask questions, share information and chat about your experiences.

Cottage Food Businesses will need to interact regularly with local and state government bodies, primarily local health departments. When working with members of government, whether they're elected officials or department staff, it's always a good idea to start things off with a patient, "partner/collaborator" mindset and to open communication early within the process of establishing your business. Your first step will always be to speak to the public contact for that governmental body. For a health department, that will be your health inspector. If you are experiencing issues that can not be resolved at that step, you can work down the following list:

1. Speak to the Environmental Health Director who oversees health inspectors
2. Reach out to the State Governing body for clarification. The Illinois Department of Public Health (IDPH) provides guidance to local health departments on the implementation of state policy such as Cottage Food Law.
3. Ask to speak to the head of the Health Department.

4. Bring your concern to the Governing body or members of the governing body (Generally the Board of Health or County Board when dealing with a Health Department) *
5. Connect with a local advocacy group that supports businesses like yours. Local advocacy groups for food and farm businesses include:
    - Chicago Food Policy Action Council
    - Advocates for Urban Agriculture
    - Illinois Stewardship Alliance
    - Institute for Justice Clinic on Entrepreneurship
    - County Farm Bureaus
6. Consider speaking with a lawyer with experience supporting businesses like yours

*Are other people in your community experiencing this problem? Bringing together more voices can have a greater impact on making sure your concern is heard and acted on.

FAQ: What to do if You Experience a Roadblock

My local health department is enforcing cottage food regulations that I do not believe are consistent with the law, what should I do?
Use this Guide and the letter of the law to educate yourself on the regulations. Follow the chain of command listed above, by first speaking to your health inspector, then the head of the Environmental Health Division, and finally the head of the Department. Always be respectful while doing so. You may also want to connect with IDPH and ask them to provide guidance on the issue. Generally most matters can be resolved through respectful conversations and review of the law and guidance with the health department, but if not, you can take the issue to your elected or appointed board of health, and connect with local advocacy groups to further help resolve the issue.

What I want to do is not currently allowed under Cottage Food Law. What should I do?
Your first step is to talk with your local health department about local level licensing and opportunities to rent, purchase, or build commercial kitchens in your area to suit your needs. While Cottage Food Law is designed to foster very small business growth for relatively low risk foods, a licensed commercial kitchen will provide you with many more options to make and sell food. If this option is not feasible, reach out to local level advocacy groups to explain your issue. These advocacy groups can work with you to determine if there is a path forward for changing the existing law.

HISTORY OF COTTAGE FOOD

In 2012, the Cottage Food Law was passed in order to give farmers and food entrepreneurs the opportunity to prepare or lightly process food in their home kitchens for sale at farmer's markets.

Prior to the passage of this law, a commercial kitchen was required, and the availability of renting a commercial kitchen, or expense of purchasing one, was out of reach for most starting food businesses.

When the Cottage Food Law passed in 2012, only a limited number of non-hazardous foods (baked goods, jams, and jellies) were allowed.

In 2017, a group of Illinois local food stakeholders proposed an amendment, the Food Freedom Act, which drastically increased the number of allowed foods, and importantly, allowed for the processing of vegetables. This gave farmers greater opportunity to add value to their products and preserve vegetables for sale over the winter. The Food Freedom Act flipped the Cottage Food paradigm from a small list of allowed foods, to instead allowing everything except a small list of hazardous foods.

In 2021, a new expanded group of Illinois local food Stakeholders advocated for the passage of the Home to Market Act, which broadly expanded sales avenues for Cottage Food Operators from farmers markets and on farm sales to direct customer sales throughout the state. The Home to Market Act clarified acidified and fermented product rules and created rules to allow buttercream frosting.

CONTRIBUTORS TO THIS GUIDE

These organizations have worked tirelessly to support Cottage Food Operations through the passage of the new cottage food regulations, creation of guidance documents, writing of this guide and continued support of Cottage Food Operators and Health Departments!

Illinois Stewardship Alliance
230 Broadway #200, Springfield, IL 62701
(217) 528-1563
ISA@ILStewards.org
"We are an alliance of farmers and eaters. Our mission is to find, connect, train and amplify the leadership of farmers and eaters who use their choices and their voices to shape a more just and regenerative local food and farm system. Our statewide community unites to educate policymakers and form a powerful voice that has a seat at every table where decisions are made."

Peoria City/County Health Department
Environmental Health
2116 N. Sheridan Rd.
Peoria, IL 61604
P: 309-679-6161
eh@peoriacounty.org

Lake County Health Department
500 W. Winchester Road Suite 102
Libertyville, IL 60048
Main line: (847) 377-8020
Pam Smith
psmith2@lakecountyil.gov
"Promoting the health and well-being of all who live, work, and play in Lake County."

Sangamon County Department of Public Health
2833 South Grand Ave. East
Springfield, IL 62703
217-535-3145
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Chicago Department of Public Health
Contact: Christopher Roy Jr.
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Christopher.RoyJr@cityofchicago.org
CDPH works with communities and partners to create an equitable, safe, resilient and Healthy Chicago.

Illinois Farmers Market Association (ILFMA)
734 Remington Lane
North Aurora, IL 60542
P: 630-240-1530
info@ilfma.org
ILFMA supports local food and food systems by giving Illinois farmers markets and producers access to resources, education, and connections in order to grow healthier and economically vibrant communities

Chicago Food Policy Action Council
info@chicagofoodpolicy.com
"(CFPAC) co-develops, facilitates, advocates for, and supports implementation of policies that advance food justice and food sovereignty in Chicago and across the region."

Institute for Justice Clinic on Entrepreneurship
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Chicago, IL 60637
(773) 834-3129
clinic@ij.org
ij.org/ij-clinic-on-entrepreneurship/
The IJ Clinic on Entrepreneurship is a team of advocates, lawyers, and organizers that removes barriers for low-income entrepreneurs through free legal services, legislative advocacy, and community-building events. The IJ Clinic has stood up for hair braiders, street vendors, barbers, and home-based business owners, just to name a few. We believe legal complexities and confusing regulations should never hold back an entrepreneur who has a great idea for a business that could lift up a family, a neighborhood, or a whole industry. The IJ Clinic is proud to have worked closely with our allies on passing the Home to Market Act, and we are excited to see more cottage food entrepreneurs unleash their passion and creativity as they realize their ambitions.

Advocates for Urban Agriculture
PO BOX 168083
Chicago, IL 6061
info@auachicago.org
(708) 629 - 1425

IL State Board of Health / Illinois Department of Public Health
525-535 West Jefferson Street
Springfield, IL 62761
217-782-4977
IDPH Foods: dph.food@illinois.gov
State Board of Health: susan_m_swider@rush.edu
The Illinois Department of Public Health is an advocate for and partner with the people of Illinois to re-envision health policy and promote health equity, prevent and protect against disease and injury, and prepare for health emergencies.

Illinois Specialty Growers Association
1701 Towanda Ave
Bloomington, IL 61702
(309)557-2155 (office)
RScavuzzo@ilfb.org
Illinois Specialty Growers Association (ISGA) is a united voice to support and advocate promotion, research, and education efforts within the industry. We strive to improve market opportunities and production quality for specialty crops grown in Illinois.

Illinois Farm Bureau
1701 Towanda Ave
Bloomington, IL 61702
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RScavuzzo@ilfb.org
Works to improve the economic well-being of agriculture and enrich the quality of farm family life.

University of Illinois Extension
111 Mumford Hall (MC-710)
1301 W. Gregory Dr.
Urbana, IL 61801
Phone: 217-333-5900
Find your local county Extension office
The U of I Extension & Outreach Dept. is the flagship outreach effort of the University, offering practical education to help people, businesses and communities solve problems, develop skills, and build a better future. Extension educators located in county offices and specialists located on the U of I campus work together to develop & deliver in-depth programming in furtherance of research done at the University of Illinois. Extension staff travel to conduct programs in the areas of nutrition education, youth development, economic development, workforce preparedness, family health, financial security, and wellness, etc. throughout Illinois.

Women's Business Development Center
Contact: Maura Mitchell
312-853-3477 ext 130
mmitchell@wbdc.org
The Women's Business Development Center (WBDC) is a nationally recognized nonprofit in the field of women's economic development, providing training programs that empower women, accelerate women's business ownership, and strengthen the impact of women on the economy. The organization serves clients from all walks of life with a focus on women, minorities, and veterans.

FLIP (FOOD LIABILITY INSURANCE PROGRAM)
260 South 2500 West Suite 303
Pleasant Grove, UT 84062
P: (844) 520.6992
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"Creating and selling delicious products from home is the center of your business. Protecting home-based food businesses is the center of ours. We can help you protect your business from the hefty cost of liability claims and run your business with peace of mind."