**Prohibited Food List**

Certain foods are prohibited under the Cottage Food Law:

* (A) meat, poultry, fish, seafood, or shellfish.
* (B) dairy, except as an ingredient in a non-potentially hazardous baked good or candy, such as caramel, subject to paragraph (1.8), or as an ingredient in a baked good frosting, such as buttercream.
* (C) eggs, except as an ingredient in a non-potentially hazardous baked good or in dry noodles, or as an ingredient in a baked good frosting, such as buttercream, if the eggs are not raw.
* (D) pumpkin pies, sweet potato pies, cheesecakes, custard pies, crème pies, and pastries with potentially hazardous fillings or toppings.
* (E) garlic in oil or oil infused with garlic, except if the garlic oil is acidified; (1.6) A food is "acidified" if: acid or acid ingredients are added to it to produce a final equilibrium pH of 4.6 or below; or it is fermented to produce a final equilibrium pH of 4.6 or below. "Equilibrium pH" means the final potential of hydrogen measured in an acidified food after all the components of the food have achieved the same acidity.
* (F) low-acid canned foods.
* (G) sprouts; "Sprout" means any seedling intended for human consumption that was produced in a manner that does not meet the definition of microgreen.
* (H) cut leafy green, except for cut leafy greens that are dehydrated, acidified, or blanched and frozen; "Leafy greens" includes iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce, such as immature lettuce or leafy green; escarole; endive; spring mix; spinach; cabbage; kale; arugula; and chard. "Leafy greens" does not include microgreens or herbs such as cilantro or parsley. "Microgreen" means an edible plant seedling grown in soil or substrate and harvested above the soil or substrate line.
* (I) cut or pureed fresh tomato or melon.
* (J) dehydrated tomato or melon.
* (K) frozen cut melon.
* (L) wild-harvested, non-cultivated mushrooms.
* (M) alcoholic beverages.
* (N) kombucha (fermented tea).

**A cottage food operator may sell any food or drink not on the prohibited cottage food list as approved by the local health department. However, some special requirements may be needed.**

Canned Tomatoes or Canned Tomato Product

In order to sell canned tomatoes or a canned product containing tomatoes, a cottage food operator shall either:

* (A) follow exactly a recipe that has been tested by the United States Department of Agriculture National Center for Home Food Preservation or by a state cooperative extension located in this State or any other state in the United States; or
* (B) submit the recipe, at the cottage food operator’s expense, to a commercial laboratory according to the commercial laboratory’s directions to test 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 annual test results of the recipe submitted under this subparagraph upon registration and to an inspector upon request during any inspection authorized subsection (d).

 Fermented or Acidified Food:

In order to sell a fermented or acidified food, a cottage food operation shall either:

* (A) submit a recipe that has been tested by the United States Department of Agriculture National Center for Home Food Preservation or a cooperative extension system located in this State or any other state in the United States; or
* (B) submit a written food safety plan for each category of products for which the cottage food operator uses the same procedures, such as pickles, kimchi, or hot sauce, and a pH test for a single product that is representative of that category; the written food safety plan shall be submitted annually upon registration and each pH test shall be submitted every 3 years; the food safety plan shall adhere to guidelines developed by the Department.

A fermented or acidified food shall be packaged according to one of the following standards:

* (A) A fermented or acidified food that is canned must be processed in a boiling water bath in a Mason-style jar or glass container with a tight-fitting lid.
* (B) A fermented or acidified food that is not canned shall be sold in any container that is new, clean, and seals properly and must be stored, transported, and sold at or below 41 degrees.

Baked Goods with Cheese:

In order to sell a baked good with cheese, a local health department may require a cottage food operation to submit a recipe, at the cottage food operator’s expense, to a commercial laboratory to verify that it is non-potentially hazardous before allowing the cottage food operation to sell the baked good as cottage food.