

## What is the Cottage Food Operation Law?

The Cottage Food Operation Law (Public Act 097-0393), which is an amendment to the Food Handling Regulation Enforcement Act, became effective on January 1, 2012 in the State of Illinois. This new law allows certain foods to be prepared in private home kitchens to be sold **only at an Illinois farmers' market**, which is defined by the Act as a “*common facility or area where farmers gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products, directly to consumers.*” The foods that can be prepared for sale at farmers' markets are limited to selected non-potentially hazardous foods, which are foods that, even without refrigeration, will not support the growth of germs that can make people sick.

Prior to selling any home-prepared foods at farmers' markets, however, all of the requirements described below must be met, **including registering your operation with the Lake County Health Department. Applications for registration will not be accepted until all of the other requirements of the Act have been met, as described below.**

## What foods can be prepared and sold under the Cottage Food Operation Law?

The food products that can be made in a private home kitchen and sold **only at farmers' markets** are:

- Selected fruit-based jams, jellies and preserves
- Certain fruit butters
- Baked goods, such as breads, cookies, cakes, pastries, high-acid fruit pies
- Dried herbs, dried herb blends, or dry tea blends

For other jams, jellies, preserves, fruit butter or fruit pies not listed in the Act (view the entire text of the Act at <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=041006250K4>), the product must be tested by a commercial laboratory and documented to be non-potentially hazardous (at the owner's expense), and the results must be submitted with the registration form.

**Food items that cannot be prepared or sold by a Cottage Food Operation** include pumpkin pie, sweet potato pie, cheesecake, custard pies and cream pies as well as pastries with potentially hazardous fillings or toppings. Other food products not allowed are pumpkin, banana, and pear butters as well as rhubarb, tomato, pepper and watermelon jellies or jams.

## What does someone need to do in order to prepare and sell food under the Cottage Food Operation Law?

1. **Obtain an Illinois Department of Public Health (IDPH) food service sanitation manager certificate** by completing a state approved 15 hour course and passing the examination. There are fees associated with the certification training courses and to obtain the IDPH -issued certificate.

IDPH maintains a list of trainers by region at <http://dph.illinois.gov/fssmccourses/>

2. **Select a food item to prepare and sell** that meets the requirements of the Cottage Food Operation Law, as outlined above.
3. **Develop and produce a product label.** The label must include:
  - The name and address of the cottage food operation facility
  - The common or usual name of the food product
  - All product ingredients including any colors, artificial flavors, and preservatives, listed in decreasing order of prominence by weight. If a prepared item is in the recipe, one must list the sub ingredients as well.
  - The net weight or net volume of the food product
  - The following statement: “***This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens.***”
  - The date the product was processed
  - Allergen labeling as specified in federal labeling requirements
4. **Prepare a placard** to be displayed prominently at the point of sale that states the following: “***This product was produced in a home kitchen not subject to public health inspection that may also process food allergens.***”
5. **Register your operation** with Lake County Health Department by completing an Application for Cottage Food Operation registration form. **The application must include a copy of your IDPH food service sanitation manager certification as well as a copy of your product label.** The completed and signed registration form, with required documentation, may be submitted to the Lake County Health Department by:

Mail: Lake County Health Department and Community Health Center  
Population Health Services  
500 W. Winchester Road, Suite 102  
Libertyville, IL 60048-1331

Fax: 847-984-5622 Attn: Food Program

Registration confirmation will be provided after a completed registration form is received, and the determination has been made that all of the requirements of the Cottage Food Operation Law have been met. It is the operator's responsibility to establish that he or she has met, or is able to meet these provisions in the Act. A failure to submit required information could delay the confirmation.

**This registration form must be submitted annually and/or if any information on the form has changed. There is no fee to register with Lake County Health Department.**

6. **Sell** *only* the allowed product(s), *only* at farmers' markets, and *only* in the State of Illinois.
7. **Do not exceed gross receipts of \$25,000 in a calendar year.** If gross receipts exceed \$25,000 in a calendar year, the Cottage Food Operation is no longer exempted under the Act.

## What if someone has some questions?

Please contact Roger Coffman or Pam Smith at 847.377.8020 for additional information.  
Thank you!

