

MN Cottage Food ZOOMinar

April 25th, 2020

What to expect today...

- 15-20 minute introduction of the MN Cottage Food Law
- Answering your questions using visual aids as possible!
 - Type your question into the CHAT box which we will be monitoring!

***We are recording this presentation & will be posted at <finlandfoodchain.org>**

***We have over 55 people attending! So please keep your microphone muted.**

Presenter: Cindy Hale cindy.hale@friendsoffinland.org

Producer Education & Infrastructure Coordinator, Finland Food Chain Project

Co-owner of Clover Valley Farms www.clovervalleyfarms.com



Cottage Food & COVID...

You are essential!

mda.state.mn.us/food-feed/cottage-food-law-guidance

VF-Vinegar Finances CVFarms Marketing Personal Finland Food Chain COVID QuickBooks Online... Bookmarks 7-Day Forecast for...

m DEPARTMENT OF AGRICULTURE

BUSINESS DEV, LOANS, GRANTS ENVIRONMENT, SUSTAINABILITY PESTICIDE, FERTILIZER FOOD, FEED PLANTS, INSECTS LICENSING & INSPECTIONS

COTTAGE FOOD LAW GUIDANCE

Minnesota Department of Agriculture > Food, Feed > Selling Food > Cottage Food > Cottage Food Law Guidance

Law Guidance | Registration

The Cottage Food Law allows for individuals to make and sell certain non-potentially hazardous food and canned goods in Minnesota without a license. This law, [Minnesota Statute 28A.152 - Licensing Food Handlers: Cottage Food Exemption \(EXT\)](#), went into effect in 2015 and includes details on the prior training and registration, types of food allowed, food labeling, types of sales locations, and amount of sales allowed by a cottage food producer.

Here are answers to some frequently asked questions about the Cottage Food Law.

NEW Some content has been added for Cottage Food Producers operating during COVID-19. Cottage Food Producers are considered Critical Sectors during the Stay At Home Order, provided worker safety and social distancing measures are taken. More information on critical sectors can be found [here](#).

FORMS + RESOURCES

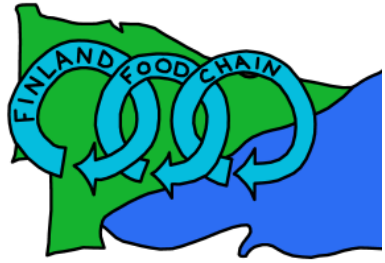
- > Cottage Food Producer Registration Form
- > Training for Cottage Food Producer Registration (PDF: 934 KB / 68 pages)

EXTERNAL LINKS

COVID notice

As of NOW, you still have to...

- Sell directly
- Delivery directly to consumer



Intro to MN Cottage Food Law:

- Resources – where to get your information
- 2 Tier system - Registration, training, income allowed, requirements
- What are “Non-potentially Hazardous Foods”
- Labeling requirements
- Signage requirements
- Measuring pH – why, when & how
- Resources
- QUESTIONS!

We are going to move through the slides quickly!

***We are recording this presentation & will be posted at <finlandfoodchain.org>**

Resources for MN Cottage Food:



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COTTAGE FOOD LAW GUIDANCE



MN Cottage Food Law


MN Cottage Food Law
@MNCottageFoodLaw



UNIVERSITY OF MINNESOTA EXTENSION

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Cottage food producer food safety training



Minnesota Farmers' Market Association

FACT SHEET

MINNESOTA COTTAGE FOODS LAW
Minnesota Statute 28A.152 Cottage Foods Exemption
Effective July 1, 2015

NON-POTENTIALLY HAZARDOUS FOODS



Cottage Food: Per Individual

Registration with MDA is required!

- Training is required, online or in-person
- Training is good for three years

Tier 1:

- New registrants
- Up to \$5,000 in annual gross sales
- No registration fee

Tier 2:

- Up to \$18,000 in annual gross sales
- \$50 annual registration fee

<https://www.misa.umn.edu/resources/local-food-sales-resources/cottage-food>



Cottage Food is Exempt from licensing, but requires registration

I will show you screen shots and how to register later in the slideshow!



M.S. 28A.152



Cottage Food Allows ...

“Non-Potentially Hazardous Foods”

Examples:

- Bakery products
- Flavored honey or maple syrup products
- Pickles, salsa, fermented products
- Jam, jelly, fruit syrup

The MN Farmers’ Market Association has a long list of allowed Cottage Food items: <https://www.mfma.org/CFL>

These product types can be made and sold to INDIVIDUALS under the Cottage Food exemption ...

***BUT ...**
If you want to sell items to a **food business or food facility**, you can’t do that under Cottage Food. Items must be made under a license in an approved facility.*



Resources for MN Cottage Food:



MINNESOTA COTTAGE FOODS LAW

Minnesota Statute 28A.152 Cottage Foods Exemption
Effective July 1, 2015

NON-POTENTIALLY HAZARDOUS FOODS

<https://www.mfma.org/CFL> THIS is the place to look for an excellent comprehensive list of what is and is not allowed AND additional resources to ensure your recipes are legal under the Cottage Food Law

Never allowed under this exemption:

Dairy
Eggs
Fish
Meat
Poultry
Seafood

I'll cover MORE
about what is an
isn't allowed later
in this slideshow!



Training for MN Cottage Food:



The FREE Online training for **Tier 1**, Cottage Food Producers (those who sell less than \$5,000 annually) is provided free on the same MDA website page as the registration from!



Tier 2, Producers (those who sell between \$5,001-\$18,000 annually) cost \$50 and can be done online through MN Extension.

More specifics on this coming later in this slideshow!



Cottage Food Labeling:

Name of Item

- 1) Name and address (including city, state, and ZIP code) of the **individual** who made the food
- 2) Date that the food was made (date, month, year)
- 3) List of ingredients contained in the product
 - a) from greatest to least by volume or weight
 - b) including any allergens. The allergens of concern are: milk, eggs, wheat, soy, peanuts, tree nuts (includes coconut), fish, and shellfish.

For more information see MDA Cottage Food Guidance

<https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>



Cottage Food Labeling:

Name of Item

- 1) Name and address (including city, state, and ZIP code) of the **individual**
- 2) Date that the food was made (date, month, year)
- 3) List of ingredients & allergens

Chocolate Chip Cookies

Betty Homemaker, 587 Elm Street, Madison, WI 53708

Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin, folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), soy, lecithin (as an emulsifier), sugar, eggs, salt, natural vanilla extract, baking soda.

Net Wt. 3 oz (89 g)

Contains wheat, eggs, milk, soy

This product was made in a private home not subject to state licensing or inspection.

Made on July 11, 2019



Cottage Food Labeling:

Name of Item

1) Name and address (including city, state, and ZIP code) of the **individual**

- You can choose to use a P.O. Box rather than your street address
- You CAN use a brand name or logo on the label, but somewhere on the label you also need to provide you name and contact address

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Contains wheat, eggs, milk, soy

This product was made in a private home not subject to state licensing or inspection.

Made on July 11, 2019



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Not required,
but
advisable

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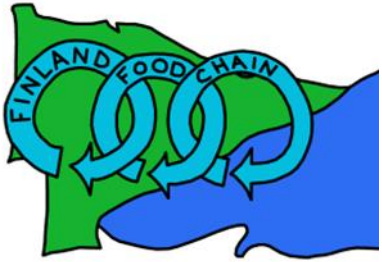
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Cottage Food Signage:

- 1) Have your Cottage Food Registration on site...why not display it!?
- 2) You must display a sign at the point of sale that states:
“These foods are homemade and not subject to state inspection.”

**“THESE PRODUCTS
ARE HOMEMADE AND
NOT SUBJECT TO
STATE INSPECTION.”**

Example of sign required for non-potentially hazardous foods

**“THESE CANNED GOODS
ARE HOMEMADE AND
NOT SUBJECT TO
STATE INSPECTION.”**

Example of sign required for canned products

See MDA Cottage Food Guidance <https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>

Cottage Food vs. Licensed Food Sales



- Can make it in a home kitchen
- Non-potentially hazardous food
- \$18,000 sales cap per individual per year
- ALL sales to individual consumers
- NO sales to businesses or other food facilities
- **Product delivery must be in person... CANNOT SHIP!**



- Must make it in an approved commercial-grade kitchen, not a private residence kitchen
- Any food product type is possible with appropriate facilities & training
- No sales cap
- Can sell to food businesses or food facilities
- Product delivery need not be in person





Requirements at a Glance:

REQUIREMENTS AT-A -GLANCE				
FOOD PRODUCED UNDER M.S. 28A.152	MAY	MUST	SHOULD	MAY NOT
Produced in home kitchen	√√			
Acid and acidified home-canned products heat treated in a hot water bath or an approved hot-fill-hold process		√√		
Acidified or fermented foods: Home test pH of each batch		√√		
Register with MDA		√√		
Carry product liability insurance			√√	
Sell at a farmers' market	√√			
Sell at a community event	√√			
Sell via the internet	√√			
Sell from the home, if allowed by local zoning ordinance	√√			
Sell to restaurants				√√
Sell to grocery stores				√√
Sell to other than ultimate consumer				√√
Donate product to a charity fundraiser event (effective August 1, 2017)	√√			
Donate product to a food shelf or another food access point				√√
Label with name and complete address (street, city MN zip), date food was prepared, all ingredients and allergens		√√		
Package	√√			
Place sign at point of sale stating: "Products are homemade and not subject to inspection."		√√		
Display Minnesota Cottage Food Registration card @ point of sale	√√			
Report income to IRS		√√		

<https://www.mfma.org/CFL>

THIS is the place to look for an excellent comprehensive list of what is and is not allowed AND additional resources to ensure your recipes are legal under the Cottage Food Law



Cottage Food Registration & Training Step by Step examples...

There are a few steps of the registration and training process that are confusing so we're going to show you some of those now...

***We are recording this presentation & will be posted at
<finlandfoodchain.org>**



Cottage Food is Exempt from licensing, but requires registration

mda.state.mn.us/food-feed/cottage-food-law-guidance

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NEW Some content has been added for Cottage Food Producers operating during COVID-19. Cottage Food Producers are considered Critical Sectors during the Stay At Home Order, provided worker safety and social distancing measures are taken. More information on critical sectors can be found [here](#).

FORMS + RESOURCES

- > [Cottage Food Producer Registration Form](#)
- > [Training for Cottage Food Producer Registration \(PDF: 934 KB / 68 pages\)](#)

EXTERNAL LINKS

The registration form is the same for Tier 1 and Tier 2



Cottage Food FREE Tier 1 online training

mda.state.mn.us/food-feed/cottage-food-law-guidance

VF-Vinegar Finances CVFarms Marketing Personal Finland Food Chain COVID QuickBooks Online... Bookmarks 7-Day Forecast for...

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FORMS + RESOURCES

- > Cottage Food Producer Registration Form
- > **Training for Cottage Food Producer Registration (PDF: 934 KB / 68 pages)**

EXTERNAL LINKS

This PDF is the Tier 1 online training with questions & answers.

By signing the registration form you attest to the fact that you have completed the training!

Training for MN Cottage Food:



Tier 2, Producers

(those who sell between \$5,001-\$18,000 annually)
cost \$50 and can be done online through MN Extension.

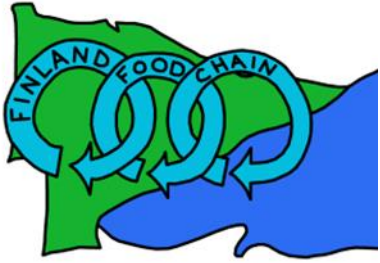
<https://extension.umn.edu/courses-and-events/cottage-food-producer-food-safety-training>





MN Cottage Food: MORE about what is an isn't allowed...

***We are recording this presentation & will be posted at
<finlandfoodchain.org>**



MN Cottage Food: MORE about what is and isn't allowed...

Food must be **non-potentially hazardous** by ...

- 1) Having an “equilibrium” pH of 4.6 or lower
- 2) Be Heat Treated to kill vegetative cells

-OR-

- 1) Have Water Activity value of 0.85 or lower
- 2) Be Heat Treated to kill vegetative cells
- 3) Not require refrigeration



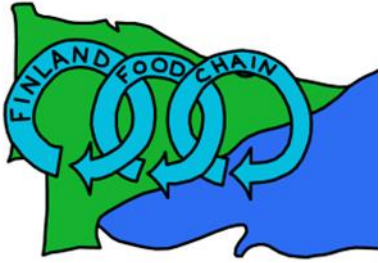
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MN Cottage Food: MORE about what is and isn't allowed...

Food must be **non-potentially hazardous** by ...

1) Having an “equilibrium” pH of 4.6 or lower

“Equilibrium” pH =

- tested 24 hours after processing (and homogenized ?)
- Tested at the end of the fermentation process



MN Cottage Food: MORE about what is and isn't allowed...

Food must be **non-potentially hazardous** by ...

- 1) Having an “equilibrium” pH of 4.6 or lower

Must record pH along with recipe source, date & quantity of batch...

Download the University of Minnesota Extension's pH Testing Record...

<https://extension.umn.edu/food-safety/food-entrepreneurs>



pH measurement...

Cannot use pH test strips...

- Not accurate enough for canned goods
- Don't work well if the food has color





pH measurement...

You actually have to test the pH of acidified and fermented foods

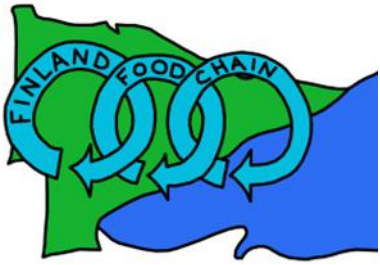
In order to do that, you will need a pH meter and calibration solutions.

There are numerous kits available on the market.

https://foodsafety.wisc.edu/assets/pdf_files/What_is_pH.pdf

IF there is enough interest, we would do a ZOOMinar on pH meters...

Choosing, using, calibrating and storage?



pH meters...

Lots of brands...same meter...yellow & blue...wide price range!
Starting at \$12...not waterproof...fail easily ...

Don't waste your time or money!

PH METER FOR WATER HYDROPONICS



Worth spending more, \$45-50,
for a good meter!



pH meters...

What to look for...

- Measuring Resolution = 0.01 increments
- pH only no TDS or conductivity measures needed
- waterproof
- calibrated with stock solutions
- May need to buy storage solution

Calibrate, use & store as directed by manufact





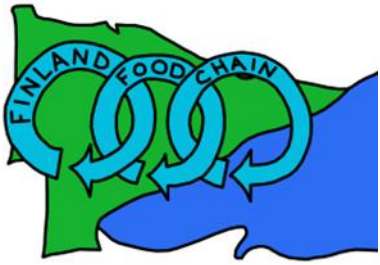
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-OR-

- 1) Have Water Activity value of 0.85 or lower
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- 3) Not require refrigeration



Water Activity...

Water Activity reflects the amount of free water in food.

The measure of water activity indicates the shelf stability of the food and the possibility of microbial reproduction. For MN Cottage Food your product have a measurement of 0.85 or less water activity.

To ensure legal water activity levels you must...

- 1) Use & follow an approved recipe
- 2) Have a lab test the water activity of YOUR recipe
- 3) Measure the water activity yourself



Cottage Food Questions!

Can Cottage Foods be sold across state lines?

- If the other state allows it... WI & MN do not!
- A WI resident can register as a MN Cottage Food Producers to sell baked goods in MN
 - Not canned goods or acidified foods because crossing state lines involves FDA rules that pre-empt state laws.



Cottage Food Questions!

Are their county or city rules preventing Cottage Food?

- All MN counties have accepted the State Law so Cottage Food is allowed by all counties.
- Some cities, Minneapolis & Rochester, have additional licensing requirements or local zoning codes that add restrictions, so check.



Cottage Food Questions!

Dehydrating & grinding grains under Cottage Food?

- YES, you can use a dehydrator in your kitchen to dry herbs
- YES, you can grind or mill and package grain products in your kitchen.

Remember, Cottage Food only allows you to sell directly to the consumer. If you want to sell to any other entity other rules apply.



Cottage Food Questions!

So I can't use my logo or business name on the labels?

Required = Name and address (including city, state, and ZIP code) of the individual

- You can choose to use a P.O. Box as your contact address, rather than your street address
- You CAN use a brand name or logo on the label, but somewhere on the label you also need to provide your name and contact address



Cottage Food Questions!

Do I need to report Cottage Food income?

Yes for both federal and state taxes, you report this just as you would any other self-employment or farm income.

You would report the total sales income as GROSS income on your schedule C (self-employment) or Schedule F (farm) on your annual taxes, LESS “cost of goods” and “expenses” also listed on the appropriate Schedule (C or F). The result is the NET income, which would be taxable as income.

For example. If you sold \$4,500 jelly in one year, that’s your gross income. Then you subtract the cost of production including cost of jars, labels, ingredients you bought, the material cost of producing the fruit you grew, any wages paid to someone other than yourself. Let’s say that was \$3,500 this year. Then your NET income is \$1,000. The “cost of production” doesn’t include the cost of YOUR labor because that is what the net income is for...your income for work done.

This would be a good ZOOMinar to cover basic financials and record keeping if you want it!



Cottage Food Questions!

Do I need to pay sales tax?

Yes! Food is generally not subject to sales tax but because Cottage Foods are “prepared” by you, apparently they are.... ***“The following items are generally exempt. However, if any of these items are prepared by the seller or sold with eating utensils provided by the seller they are taxable.”***

Here’s a link to the MN Department of Revenue sales tax fact sheet.

<https://www.revenue.state.mn.us/sites/default/files/2019-12/FS102A.pdf>

There also might be local, municipal or county sales taxes on top of the state sales tax.

It’s a good idea to file for a MN tax ID number <https://www.revenue.state.mn.us/businesses>

Buy setting up an online account with Department of Revenue you can use their location-based tax calculator to determine the sales tax you should be charging and then pay it online, quarterly or annually.

This would potentially be another good ZOOMinar, since charging sales tax at Farmers Markets to SNAP recipients is NOT allowed...confusing the situation more.



Cottage Food Questions!

Can I make alcohol-based products under Cottage Food?

The MFMA Non-Potentially Hazardous Foods list updated in January includes language about alcohol used as a flavoring. https://www.mfma.org/resources/Documents/MFMA_Fact_Sheet_NPH_Foods_List_2020-01-24.pdf

Alcohol can be used as a flavoring, but the final product has to be 0.05%(one half of one %) or less alcohol. Some of the boozy frostings or rum-infused cupcakes are too high in alcohol. Alcohol-based tinctures would be too high in alcohol - even if the intent is that someone dilutes them. The product itself has to be 0.05%(one half of one %) or less alcohol. Rum or brandy-based syrups would also probably be too high in alcohol. Using an alcohol-based vanilla flavoring, though, would be okay as long as you're truly using it as a flavoring in a small amount and not as a major ingredient.

The Federal Alcohol & Tobacco Division is in charge of this and you do not want to cross them or you may find yourself faced with taxes, fess & fines.



Cottage Food Questions!

Can I request paper forms and training for Cottage Food?

YES! You can request it in 3 ways.

- Via email: mda.cottagefood@state.mn.us
- Via phone: 651-201-6062
- Via USPS: Minnesota Department of Agriculture
Attn: Cottage Food Producer Registrations
625 North Robert Street
Saint Paul MN 55155

Be sure to include the correct spelling of your name and mailing address.

Also indicate clearly is you ...

- 1) the application
- 2) the training
- 3) if it needs to be in a large print format



Cottage Food Questions!

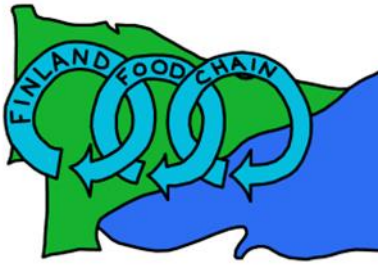
The Following slides include additional information not covered during the live ZOOMinar that you may find interesting or helpful...



Acidic vs. acidified foods...

Acidic Foods = those that are naturally acidic like vinegar, lemon juice, ripe tomatoes, etc.


Acidified Foods = non-acidic foods made food safe by adding acidity like pickles, saurkraut, etc.



More on Water Activity...

To ensure legal water activity levels you must...

- 1) Use & follow an approved recipe

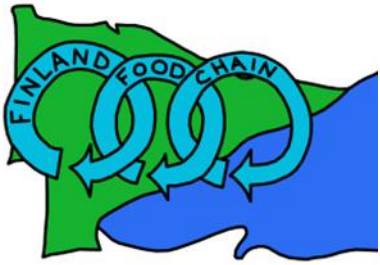


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FACT SHEET NON-POTENTIALLY HAZARDOUS FOODS

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THIS is the place to look for an excellent comprehensive list of what is and is not allowed AND additional resources to ensure your recipes are legal under the Cottage Food Law



More on Water Activity...

To ensure legal water activity levels you must...

- 1) Use & follow an approved recipe
- 2) Have a lab test the water activity of YOUR ...about \$30

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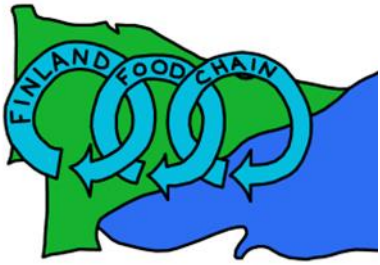
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More on Water Activity...

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- 1) Use & follow an approved recipe
- 2) Have a lab test the water activity of YOUR recipe
- 3) Measure the water activity yourself...?



More on Water Activity

Measuring the water activity yourself...

- Units start a \$500 and go up to \$4,000!
- Huge variability so know what you need before you buy!
- Remember, if you use AND FOLLOW an approved recipe you do not need to directly measure water activity.



Kombucha & Vinegar are allowed under Cottage Food Laws

Fermented product such as Kombucha and Vinegar are allowed but with an extra layer of standards...

- If your kombucha has too much alcohol (over 2%), it comes under Department of Public Safety and taxation. You have to really control your process.

Alcohol is regulated by Department of Public Safety.

www.dps.state.mn.us

- Must use “sanitary codes” including stainless sinks & counters, non-porous cleanable surfaces on walls & floors



Product of the Farm ≠ Cottage Food

Beverages:

Kombucha (only if you add NO ingredients you haven't grown!)

Herbal infusion or Tea

Fruit juice*

Vegetable juice*

Fruit/Vegetable juice blends*

Wheatgrass juice

http://misadocuments.info/LFAC_local_produce.pdf

* These may require special processes: pasteurization, juice HACCP (Hazard Analysis and Critical Control Processes)



Reference Materials: Cottage Food



DEPARTMENT OF AGRICULTURE

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COTTAGE FOOD LAW GUIDANCE



MN Cottage Food Law




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Minnesota Farmers' Market Association

FACT SHEET

MINNESOTA COTTAGE FOODS LAW
Minnesota Statute 28A.152 Cottage Foods Exemption
Effective July 1, 2015

NON-POTENTIALLY HAZARDOUS FOODS





Have More Cottage Food Questions!?

Contact: Cindy Hale cindy.hale@friendsoffinland.org

Producer Education & Infrastructure Coordinator, Finland Food Chain Project

Email me if you want to be added to the Finland Food Chain email list!