

COTTAGE FOODS IN WISCONSIN

Wisconsin needs food freedom! Current proposed regulations on products made in Wisconsin home kitchens would be restrictive, unfair, and burdensome. Our state needs fair legislation that establishes clear rules, reduces red tape for small business owners, and makes it possible for food entrepreneurs to flourish.

WHAT ARE COTTAGE FOODS?

Cottage foods refers to certain **low-risk foods that are made in their home kitchens and sold directly to consumers**, usually under state “cottage food laws.”

These foods are typically non-perishable, like baked goods, pickled vegetables, and jams. Cottage foods are generally considered to be “non-potentially hazardous,” which means that the foods don’t easily support rapid growth of harmful microorganisms.

THE STATE OF COTTAGE FOODS IN WISCONSIN

The state of Wisconsin has an outdated cottage foods law that applies only to pickled or high acid items and not baked goods. Currently cottage bakers operate under a court decision from a 2017 lawsuit.

On May 31, 2017 in Lafayette County, Wisconsin District Court Judge Duane Jorgenson struck down Wisconsin’s ban on selling home baked goods.

The decision made it legal for cottage bakers to sell “non-potentially hazardous” baked goods directly to consumers without a license or commercial kitchen. **There is currently no sales cap on cottage foods in Wisconsin.**



OPPOSE AB 748

Recently introduced Wisconsin Assembly Bill 748 sets unfair and arbitrary limitations on cottage bakers, while creating burdensome red tape, and costly requirements for small business owners.

Under the bill, cottage food producers would be subject to a two-tiered system:

1. *Small producers (\$10,000 sales cap):* display a sign stating their products are homemade and not inspected
2. *Cottage food producers (\$40,000 sales cap):* carry liability insurance and pay for a food safety course.

Cottage bakers would also have to pay a registration fee to DATCP and open up their home kitchens to invasive inspections.

The tier system in AB 748 would divide cottage bakers into arbitrary groups and impose unreasonably expensive barriers on small business owners.

This bill is patronizing to cottage bakers, framing them, not as legitimate business owners trying to support their families, but rather as hobbyists. By placing expensive requirements on cottage bakers and subjecting them to an extremely low sales cap, **this bill would essentially snuff out the cottage baking industry in Wisconsin.**

COTTAGE FOODS IN OTHER STATES

IOWA

In Iowa, the law states that low-risk foods made in a home kitchen can be sold directly to customers without a state license, inspection, or sales cap.² Cottage foods must meet the following criteria:

1. The food doesn't require temperature control for safety (e.g. non-refrigerated baked goods, jams, shelf-stable pickles, etc.)
2. Products are properly labeled
3. The products are sold directly from the producer to consumers at markets, events, or from a home

If an individual would like to expand the list of items they are able to sell, they can get a Home Food Processing Establishment (HFPE) license. Under this license there is an **annual sales cap of \$50,000**.³

MINNESOTA

Minnesota's cottage food laws include an **annual sales cap of \$78,000**, for non-hazardous baked goods, canned goods, and candy and required registration with the Minnesota Department of Agriculture.⁴ Business which exceed that cap require a food license. Cottage bakers who sell \$7,665 or less per year are required to take a free online training before registering. At an income of \$7,666 to \$78,000, bakers are required to take a more formal food-safety training with a \$50 registration fee.

Registration must be renewed annually and producers can sell direct to consumer and online.

WYOMING

Wyoming has the least restrictive cottage foods laws in the U.S. Under the **Wyoming Food Freedom Act**, cottage bakers may sell home kitchen food products up to an **annual sales cap of \$250,000 annually** without any kind of licensure. Allowable foods include any fresh, cooked, refrigerated, frozen, dried, canned food, or drink. Cottage foods in Wyoming may be sold to any consumer who has been informed that the food was made in a home kitchen by way of a label, sign, or mouth.

COTTAGE FOODS MATTER TO FARMERS

Cottage foods provide an essential way for local farm products to be utilized and highlighted. In rural areas, where Main Streets are struggling, it's expensive and risky to open a brick and mortar storefront. **Baking from a home kitchen is a solution for rural communities that's a win-win for cottage food business owners and the farmers they source from.**

Access to commercial kitchens is very limited in rural areas, making commercial food licenses out of reach for many aspiring food business owners.

Wisconsin needs fair cottage food rules that allow food entrepreneurs and farmers, regardless of scale, to thrive.



¹ https://fbid3ebbc-67e9-4dee-a9c4-df781177d222.filesusr.com/ugd/629d75_42ef03fe2f394d5ba9094ccd48c66325.pdf

² <https://dial.iowa.gov/licenses/food-establishments-hotels/cottage-food-law>

³ https://dial.iowa.gov/licenses/food-establishments-hotels/home-food-processing-establishments?utm_source=chatgpt.com

⁴ <https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>

⁵ <https://nationalaglawcenter.org/wp-content/uploads/assets/cottagefood/Wyoming.pdf>