

# Law Bulletin

Law you need to know from OSU Extension's Farm Office

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## The Home Bakery Registration Law in Ohio

*Peggy Kirk Hall, Associate Professor*

*OSU Extension Agricultural & Resource Law Program*

*Emily Marrison, Family & Consumer Sciences Educator*

*OSU Extension Coshocton County*

Do you need a registration or license to sell home baked goods in Ohio? This question is one that receives the “it depends” answer, because it depends on what types of baked products you want to sell. Certain items require a home bakery registration (also called a “license”), while others do not because they are a “cottage food.” This bulletin explains Ohio’s home bakery law and its registration requirements.

### “Home bakery” law or “cottage food” law?

Ohio has a “cottage food law” that exempts some foods from the home bakery registration requirement. A first important question, then, is whether a home baked good is a “cottage food.” If so, it is exempt from the home bakery law but if not, a baker must obtain a home bakery registration from the Ohio Department of Agriculture (ODA) before selling the baked good.

The cottage food list generally includes foods that are at lower risk of a food safety concern when produced at home, referred to as “non-potentially hazardous” foods. Improper handling could result in foodborne illness, but the chances are much lower with cottage foods than for other foods.

Ohio law designates these baked goods as cottage foods:

- “Non-potentially hazardous” bakery products
- Granola and granola bars
- Unfilled baked donuts
- Waffle cones
- Pizzelles

A “potentially hazardous” bakery product is one that requires refrigeration and temperature control to keep it safe. ODA provides guidance on baked goods that are “non-potentially hazardous” and which are “potentially hazardous” as follows:

<i>Non-potentially hazardous (cottage food)</i>	<i>Potentially hazardous (home bakery)</i>
Cookies, brownies, cake, bread, fruit pie, cobbler. * <u>And</u> other baked goods specifically stated in the cottage food law: granola, granola bars, unfilled baked donuts, waffle cones, pizzelles.	Cheesecake, cream pie, pumpkin pie, fry pie, filled donuts, waffles, Belgian waffles, raw dough, egg noodles, cream cheese frosting, pepperoni rolls.

For more on these designations and which foods fall under the cottage food law, see our [law bulletin](#) and the [ODA website](#). If unsure about whether a food is a cottage food, be sure to check with the [ODA Food Safety Division](#).

### “Home bakery” or “bakery” registration?

There is also a legal distinction between a “home bakery” and a “bakery.” To be able to register as a “home bakery,” the bakery must meet these legal requirements:

- The bakery must be in the primary home occupied by the bakery owner.
- The home can have only one single or double oven operating in an ordinary kitchen.
- The oven is designed for common residence use and not for commercial use.

These initial requirements mean that a home bakery registration is not available for other kinds of bakery situations, such as when:

- The home is not occupied by the owner.
- The kitchen is in a home that is not the owner's residence.
- The kitchen is a second kitchen.
- The kitchen has multiple separate ovens or has a commercial stove or oven.

In the above situations, the “home bakery” registration is not available. Contact [ODA's Food Safety Division](#) on this page for more information.

### **The home bakery registration and inspection**

The home bakery registration process begins by submitting a **request for inspection form** to ODA, available on ODA's [“home bakery registration”](#) page of its website. The form is simple, requiring contact and location information and an explanation of the food product to be produced. After receiving the form, ODA will schedule an inspection of the home bakery and will issue the registration after an applicant passes the inspection. There is a fee of \$10 and required renewal by September 30 each year.

The purpose of an inspection is to ensure that the home bakery meets Ohio's Uniform Food Safety Code regulations. ODA summarizes these regulatory requirements as follows:

- Kitchen has walls, ceilings, and floors that are in good repair, clean, and easily cleanable.

- Kitchen floor is not carpeted.
- Home has no pets and pests.
- Kitchen, equipment, and utensils are maintained in a sanitary condition.
- Kitchen has a mechanical refrigerator that is equipped with a properly located thermometer that is capable of maintaining 45 degrees Fahrenheit or less.
- If a private water well, the well has had a negative coliform bacteria test result within the past year and will be tested annually.
- The home bakery label meets legal requirements (described below).

### **Label requirements for home bakery goods**

A home bakery must label its food products to meet state and federal laws, and the information must be truthful and not misleading. The label must contain a “principal display panel” where it will be seen by the consumer at the time of purchase and the panel must include:

- A “statement of identity” that names the food product according to its common name.
- The name, street address, city, state and zip code of the home bakery, known as the “statement of responsibility.”
- The net quantity of the product, using the term “Net Weight” or “Net Wt.” and stating U.S. weight first, followed by international (metric) weight in parentheses. The quantity must be within the bottom 30 percent of the label area and parallel to the bottom of the package when it is displayed.
- An ingredient list using common names, listed in descending order of predominance with the ingredient that weighs the most listed first. Note that [federal law prohibits](#) any partially hydrogenated oil as an ingredient due to safety factors.

- For an ingredient consisting of two or more sub-ingredients, a list of the sub-ingredients in parentheses following the ingredient name.
- Identity of any proteins from a “major food allergen,” either by stating the name of the allergen in the ingredient list or by a separate statement of “Contains (list of allergens)” immediately after or adjacent to the ingredient statement. The nine major food allergens are milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans, and sesame. The label must state the specific type of tree nut, fish, or crustacean shellfish.
- If making nutrient content or health claims like “low fat” or “may reduce heart disease,” the label must also contain a “Nutrition Facts” panel. See the Food & Drug Administration’s [resources on food labeling and nutrition](#).
- If the item requires refrigeration, a declaration such as “Keep Refrigerated” or “Requires Refrigeration.”
- If the product will begin to lose its quality in 30 days or less, a sale date that indicates the product’s peak quality period, such as “Best By (date).”

Here’s an example of the principal display panel of a properly labeled home bakery food:

<b>Custard Pie</b>	
Ingredients. Filling: Milk, sugar, butter (cream, milk), egg, cornstarch, salt. Crust: Enriched flour (bleached wheat flour, malted barley flour, niacin reduced iron, thiamine mononitrate, riboflavin, folic acid), sugar, salt, soybean oil, butter (cream, milk), water.	
Home Bakery Company 123 Main Street Hometown, OH 12345	Best By 1/1/2023
NET WT 8 oz (227 g)	Keep Refrigerated

## Where can a home bakery sell its products?

Ohio law does not place any restrictions on where a home bakery may sell its baked goods. This means that a home bakery may sell directly to a consumer, at farm or farmer’s markets, and to stores, restaurants, and similar outlets—as long as those outlets are properly licensed. The law does not restrict sales outside of Ohio, but the home bakery must comply with licensing requirements in other states.

## Where to find home bakery laws

- Ohio Revised Code, Registration of bakeries, [O.R.C. 911.02](#).
- Ohio Administrative Code, Uniform Food Safety Code, [O.A.C. Chapter 3717-1](#).
- Ohio Revised Code, Pure Food and Drug Law, [O.R.C. Chapter 3715](#).
- Ohio Administrative Code, Cottage food production, [O.A.C. Chapter 901:3-20](#).
- Ohio Department of Agriculture, [Food Safety Division web page](#).

## For more resources and information from the OSU Agricultural & Resource Law Program:

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- Visit the **Farm Office** website at <http://farmoffice.osu.edu> for news, events, publications, and videos.
  - Refer to the [food law library on our website](#).
  - Sign up at <http://farmoffice.osu.edu/blog> to receive regular legal updates on the **Ohio Ag Law Blog**.
  - Contact us by e-mail at [aglaw@osu.edu](mailto:aglaw@osu.edu).