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Cottage Food Law Statutes:

District of Columbia



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Cottage Food Laws: District of Columbia

D.C. Code § 7-742.01

D.C. Code § 7-742.02

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DC Code § 7-742.01. Definitions.

For the purposes of this subchapter, the term:

- (1) “CFBR” means the Cottage Food Business Registry within the Department of Health.
- (2) “Cottage food business” means a business that:
 - (A) Produces or packages cottage food products in a residential kitchen;
 - (B) Sells the cottage food products in accordance with § 7-742.02 and regulations adopted by the Department of Health; and
 - (C) Repealed.
 - (D) Has obtained a home occupancy permit from the Department of Consumer and Regulatory Affairs pursuant to section 203 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR Section 203).
- (2A) "Cottage food business identification number and certificate" means the unique identifier for tracking cottage food businesses and the certificate evidencing status as a cottage food business.
- (3) “Cottage food product” means a non-potentially hazardous food, as specified in regulations adopted by the Department of Health, that is sold to consumers, including through direct, retail, and online sales, within the District of Columbia in accordance with § 7-742.02 and regulations adopted by the Department of Health.
- (4) “Department” means the Department of Health.
- (5) "Food establishment" shall have the same meaning as provided in § 48-102(5).

DC Code § 7-742.02. Cottage food businesses.

- (a) This section shall not:



(1) Apply to a food establishment that is required to have a license under Department regulations; or

(2) Exempt a cottage food business from any applicable District or federal tax laws.

(b)

(1) A cottage food business shall register with the Cottage Food Business Registry within the Department before beginning operation.

(2) The Department may perform an inspection of the cottage food business before that business may sell its cottage food products.

(3) The Department shall issue a cottage food business identification number and certificate to each registered cottage food business. Upon receipt of a cottage food business identification number and certificate, the cottage food business shall be authorized to produce, package, and sell the temperature control for safety food products on the approved food products list issued by the Department, set forth in section 103.5 of Title 25-K of the District of Columbia Municipal Regulations (25-K DCMR 103.5). The cottage food business shall not produce, package, or sell any food products that are not allowed by the Department nor use any processes and activities that are not allowed by the Department.

(4) The Department shall have the authority to enter the premises of a cottage food business registered with the CFBR to conduct a pre-operational inspection and to investigate complaints pertaining to the sale or preparation of cottage food products pursuant to subsection (d) of this section.

(c) The owner of a cottage food business may sell only cottage food products that are:

(1) Stored on the premises of the cottage food business; and

(2) Prepackaged with a label that contains the following information:

(A) The cottage food business identification number;

(B) The name of the cottage food product;

(C) The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;

(D) The net weight or net volume of the cottage food product;



(E) Allergen information as specified by federal labeling requirements;

(F) If any nutritional claim is made, nutritional information as specified by federal labeling requirements; and

(G) The following statement printed in 10-point or larger type in a color that provides a clear contrast to the background of the label: “Made by a cottage food business that is not subject to the District of Columbia's food safety regulations.

(d)

(1) The Department may investigate any complaint alleging that a cottage food business has violated this section.

(2) On receipt of a complaint, a representative of the Department, at a reasonable time, may enter and inspect the premises of a cottage food business to determine compliance with this section.

(3) The owner of a cottage food business may not:

(A) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business under paragraph (2) of this subsection; or

(B) Interfere with any inspection under paragraph (2) of this subsection.

(4) An investigation of a cottage food business conducted under this subsection may include sampling of a cottage food product to determine if the cottage food product is misbranded or adulterated.

(e) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], may issue rules to implement the provisions of this subchapter. The proposed regulations shall be submitted to the Council for a 60-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution within this 60-day review period, the proposed rules shall be deemed approved.

DC Code § 7-742.03. Cottage food prepared or stored in a private home.

(a) Food prepared or stored in a private home shall not be used or offered for human consumption in a food establishment, except as provided in section 3806 of Title 25-A of the District of Columbia Municipal Regulations (25-A DCMR 3806) or when prepared by a cottage food business in accordance with § 7-742.02(a).



(b) A food establishment shall not include a cottage food business operating in accordance with § 7-742.02(a).

