



# The National Agricultural Law Center

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Cottage Food Law Statutes:

*Idaho*



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# A National Agricultural Law Center Research Publication

## Cottage Food Laws: Idaho

**Idaho Admin. Code r. 16.02.19.001(04)**  
**Idaho Admin. Code r. 16.02.19.110(06)(07)**

*Current through September 2, 2024.*

### **Idaho Admin. Code r. 16.02.19.001 – Title, Scope and Applicability**

**01. These Rules Apply to Food Establishments.** Food establishments under Section 39-1602, Idaho Code, must follow these rules. Those facilities include the following:

- a. Restaurants, catering facilities, taverns, kiosks, vending facilities, commissaries, cafeterias, mobile food facilities, and temporary food facilities;
- b. Schools, senior centers, hospitals, residential care and treatment facilities, nursing homes, correctional facilities, camps, food banks, and church facilities;
- c. Retail markets, meat, fish, delicatessen, bakeries, supermarkets, convenience stores, health food stores, and neighborhood markets; and
- d. Food, water and beverage processing and bottling facilities that manufacture, process, and distribute food, water, and beverages, and are not inspected for food safety by a federal agency.

**02. These Rules Do Not Apply to These Establishments Under Idaho Code.**

- a. Agricultural markets as exempted in Section 39-1602, Idaho Code.
- b. Bed-and-breakfast operations that prepare and offer food for breakfast only to guests. The number of guest beds must not exceed ten (10) beds under Section 39-1602, Idaho Code.
- c. Day care facilities regulated by Sections 39-1101 through 39-1119, Idaho Code.
- d. Licensed outfitters and guides regulated by Sections 36-2101 through 36-2119, Idaho Code.
- e. Low-risk food establishments, as exempted in Section 39-1602, Idaho Code, which offer only non-TCS foods.
- f. Farmers market vendors and roadside stands that only offer or sell non-TCS foods or cottage foods.



g. Non-profit charitable, fraternal, or benevolent organizations that do not prepare or serve food on a regular basis as exempted in Section 39-1602, Idaho Code. Food is not considered to be served on a regular basis if it is not served for more than five (5) consecutive days on no more than three (3) occasions per year for foods that are non-TCS. For all other food, it must not be served more than one (1) meal per week.

h. Private homes where food is prepared or served for family consumption or receives catered or home-delivered food as exempted by Section 39-1602, Idaho Code.

i. Cottage food operations, when the consumer is informed and must be provided contact information for the cottage food operations by a clearly legible label on the product packaging; or a clearly visible placard at the sales or service location that also states:

i. The food was prepared in a home kitchen that is not subject to regulation and inspection by the regulatory authority; and

ii. The food may contain allergens.

**03. How to Use This Chapter of Rules.** These rules are modifications, additions, or deletions made to the federal publication incorporated by reference in Section 002 of these rules. To follow these rules the publication is required. Changes to those standards are listed in these rules by which section of the incorporated publication is being modified at the beginning of each Section of rule. Citations to the incorporated Food Code are in the format "x-xxx.xx."

## **Idaho Admin. Code r. 16.02.19.110 – Definitions and Abbreviations – A Through K**

The definitions under this Section are modifications or additions to the definitions provided in the incorporated Food Code.

**01. Agricultural Market.** Any venue where a fixed or mobile retail food establishment can engage in the sale of raw or fresh fruits, vegetables, and nuts in the shell. It may also include the sale of factory sealed non-TCS foods. Agricultural market means the same as "farmers market" or "roadside stand."

**02. Board.** The Idaho Board of Health and Welfare under Section 56-1005, Idaho Code.

**03. Consent Order.** An enforceable agreement between the regulatory authority and the license holder to correct violations that caused the actions taken by the regulatory authority.

**04. Core Item.** A provision in the incorporated Food Code that is not designated as a priority item or a priority foundation item and includes items that usually relate to general sanitation, operation



controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

**05. Cottage Food Operation.** When a person or business prepares or produces cottage food products in the home kitchen of that person's primary residence or other designated kitchen or location.

**06. Cottage Food Product.** Non-TCS foods that are sold directly to a consumer. Examples include: baked goods, fruit jams, jellies, fruit pies, breads, cakes, pastries, cookies, candies, confections, dried fruits, dry herbs, seasonings and mixtures, cereals, trail mixes, granola, nuts, vinegar, popcorn and popcorn balls, and cotton candy.

**07. Department.** The Idaho Department of Health and Welfare under Section 56-1002, Idaho Code, or its designee.

**08. Director.** The Director of the Idaho Department of Health and Welfare under Section 56-1003, Idaho Code.

**09. Embargo.** An action taken by the regulatory authority that places a food product or equipment used in food production on hold until a determination is made on the product's safety.

**10. Enforcement Inspection.** An inspection conducted by the regulatory authority when compliance with these rules by a food establishment is lacking and violations remain uncorrected after the first follow-up inspection to a routine inspection.

**11. Farmers Market.** Any fixed or mobile retail food establishment at which farmer producers sell agricultural products directly to the public. Farmers market means the same as "agricultural market" and "roadside stand."

**12. Food Establishment.** Modifications to Section 1-201.10 amend the definition of "food establishment" as follows:

a. Delete Subparagraph 3(c) of the term "food establishment" in the incorporated Food Code;

b. Add Subparagraph 3(h) to the term "food establishment" to clarify that a cottage food operation is not a food establishment.

**13. Food Processing Plant.** Modification to Section 1-201.10 amends the definition of "food processing plant" by deleting Subparagraph 2 of the term "food processing plant" in the incorporated Food Code.



**14. Good Retail Practice.** Preventive measures that include practices and procedures that effectively control the introduction of pathogens, chemicals, and physical objects into food.

**15. High-Risk Food Establishment.** Performs the following:

- a. Extensive handling of raw ingredients;
- b. Preparation processes that include the cooking, cooling, and reheating of TCS foods; or
- c. A variety of processes requiring hot and cold holding of TCS foods.

