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Cottage Food Laws:

*New Hampshire*



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# A National Agricultural Law Center Research Publication

## Cottage Food Laws: New Hampshire

N.H. Rev. Stat. § 143-A:12  
N.H. Rev. Stat. § 143-A:13  
N.H. Admin. Code § He-P 2310.01

### **N.H. Rev. Stat. Ann. § 143-A:12. Homestead Food License Required.**

#### I. In this subdivision:

(a) "Homestead food operation" means a person who produces homestead food products, excluding potentially hazardous food, only in the home kitchen of that person's primary residence in New Hampshire.

(b) "Potentially hazardous food" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also include low acid canned foods.

(c) "Homestead food products" means all food except potentially hazardous food, and as defined in rule by the commissioner of the department of health and human services through rulemaking under RSA 143-A:13.

II. Homestead food operations selling less than the maximum annual gross sales of food as defined in RSA 143-A:5, VII, excluding potentially hazardous food, from the homestead residence, at the owner's own farm stand, at farmers' markets, or at retail food stores are exempt from licensure and departmental inspection under this subdivision, except that the department may inspect when the department has reason to suspect an imminent health hazard as defined in RSA 143-A:3, IV-b.

III. Homestead food operations that exceed the maximum annual gross sales of food as defined in RSA 143-A:5, VII or homestead food operations who wish to sell food products, excluding potentially hazardous food, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers, or other food distributors who will resell the homestead product shall be licensed under RSA 143-A:4.

IV. All homestead food products sold in packages from the home kitchen, farm stand of a homestead food operation, at farmers' markets, or at retail food stores shall have individual labels on each package containing the following information: name, address, and phone number of the homestead food operation; name of the homestead



food product; the ingredients of the homestead product, in descending order of predominance by weight; and allergy information. Products made by homestead food operations exempt from licensure shall also be clearly labeled with the following statement: "This product is exempt from New Hampshire licensing and inspection." Products made by nonexempt homestead food operations shall also be clearly labeled with the following statement: "This product is made in a residential kitchen licensed by the New Hampshire Department of Health and Human Services."

### **N.H. Rev. Stat. § 143-A:13. Rulemaking.**

The commissioner, in consultation with the commissioner of the department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

I. Foods which may be made in a homestead food operation and potentially hazardous foods, which shall not be made in a homestead food operation.

II. Content and format of all labeling requirements.

III. Licensing requirements for homestead food operations exceeding the annual maximum gross sales limit or homestead food operations who wish to sell food products, excluding potentially hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

IV. Content and format of all forms required under this subdivision.

V. Fees for non-exempt homestead food operation licenses, including application fees and fees for renewal.

### **N.H. Admin. Code § He-P 2310.01 Exempt Homestead Food Operations Requirements.**

(a) Pursuant to RSA 143-A:5, VII, homestead food operations selling food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, at farmers' markets, or at retail food stores shall be exempt from licensure under this subdivision.

(b) Only the following food products shall be produced and sold from exempt homestead food operations:

- (1) Baked items, including, breads, rolls, muffins, cookies, brownies, and cakes;
- (2) Double-crusting fruit pies;
- (3) Candy and fudge;
- (4) Packaged dry products, which include spices and herbs;
- (5) Acid foods, including vinegars and mustards; and



(6) Jams and jellies.

(c) Exempt homestead food operations shall not produce or sell potentially hazardous foods, including any food which requires refrigeration or processed acidified and low acid canned foods.

(d) All homestead food products made in an exempt homestead food operation shall be sold in packages with individual labels on each package containing the following information:

(1) Name of the homestead food operation;

(2) Address of the homestead food operation;

(3) Phone number of the homestead food operation;

(4) Name of the homestead food product;

(5) All ingredients of the homestead food product in descending order of predominance by weight;

(6) The name of each major food allergen contained in the homestead food product unless it is already part of the common or usual name of the respective ingredient already disclosed in the ingredient statement in (5) above;

(7) The following statement: "This product is exempt from New Hampshire licensing and inspection" in at least the equivalent of 10 point font and a color that provides a clear contrast to the background; and

(8) A product code which identifies the product with a batch number, or a date of manufacture to aid in a recall of the product in case of an imminent health hazard.

(e) Exempt homestead food operations shall follow the standards for non-exempt homestead operations as stated in He-P 2309.03(b) through (t), He-P 2311.06(b) through (i), and shall be exempt from the requirements of the food code.

