



Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

R9-8-101.02. Cottage Food

A. An individual wanting to prepare a cottage FOOD product, as defined in A.R.S. § 36-931, for commercial purposes and to be exempt from the requirements in all other Sections of this Article shall:

1. Complete a food handler training course from an accredited program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals;
2. Submit an application for registration to the Department that includes:

a. The following information in a Department-provided format:

- i. The individual's name, address, telephone number, and email address;
- ii. The street address, city, county, and state of the home where the cottage FOOD is prepared;
- iii. Whether the home where the cottage FOOD is prepared is a facility for developmentally disabled individuals; and

iv. A description of each cottage FOOD prepared for commercial purposes;

b. A copy of the individual's active certificate of completion for the food handler training course from the accredited program in subsection (A)(1); and

c. A signed attestation, in a Department-provided format, that the individual:

- i. Has reviewed Department-provided information on FOOD safety and safe FOOD handling practices;
- ii. Will prepare and sell or offer for sale cottage FOOD to the public only if the cottage FOOD meets the requirements of A.R.S. Title 36, Chapter 8, Article 2, and this Section;
- iii. While preparing cottage FOOD for commercial purposes, will follow the safety guidance from the food handler's training course required according to subsection (A)(1), as well as the Department provided information on FOOD safety and safe FOOD handling practices, including the requirements for the safe handling, processing, and storage of FOOD that is a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
- iv. Will prepare the cottage FOOD in the home kitchen at the address provided in subsection (A)(2)(a)(ii), as defined in A.R.S. § 36-931(3);

v. Will make, package, and attach a legible label according to A.R.S. § 36-932;

vi. Will dispose of FOOD waste and kitchen waste in a safe and sanitary manner;

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- vii. Will directly supervise and be responsible for the tasks undertaken by another individual who is not registered with the Department and assisting in preparing cottage FOODS for commercial purposes, in accordance with A.R.S. § 36932(C);
 - viii. If selling cottage FOOD products online, will advertise the sale in accordance with A.R.S. § 36-932(B);
 - ix. Will sell, transport, and deliver cottage FOOD products according to A.R.S. § 36-932(E);
 - x. Except as otherwise permitted by A.R.S. § 36-931(1)(b), will not make cottage FOODS that are or that contain alcoholic beverages, unpasteurized milk products, fish, shellfish products, meat, meat by-products, poultry, or poultry byproducts;
 - xi. Will not sell a cottage FOOD product with the intent for the cottage FOOD product to be used as an ingredient to make other products sold at a retail establishment, as specified in A.R.S. § 36-932(F)(1);
 - xii. Will not prepare products containing marijuana or marijuana products, as specified in A.R.S. § 36-932(F)(2);
 - xiii. Will only use an ingredient if the ingredient is from an approved source and allowed by law, as specified in A.R.S. § 36-932(G);
 - xiv. Will not use the home kitchen, as defined in A.R.S. § 36-931(3), as a commissary for a mobile food unit, as specified in A.R.S. § 36-932(H);
 - xv. Will not store cottage FOOD products or FOOD preparation equipment outside of the individual's home, in accordance with A.R.S. § 36-932(D)(2);
 - xvi. Will not prepare cottage FOODS for commercial purposes if the individual's certification according to subsection (A)(3) and registration with the Department, according to subsection (A)(4) have expired;
 - xvii. Understands and acknowledges that the individual's registration as a cottage FOOD preparer with the Department does not exempt the individual or the FOOD or drink products that the individual prepares and sells or offers for sale from the requirements for brand inspections, animal health inspections, or any FOOD inspections required by state or federal law or the requirements for the sale of milk, milk products, raw milk, and raw milk products under A.R.S. § 3606 and that the individual may be subject to disciplinary action by the agencies charged with enforcing those requirements should those requirements be violated; and
 - xviii. Understands that noncompliance with the requirements in A.R.S. §§ 36-931 through 36-933 and this Section may result in suspension or revocation of registration, according to A.R.S. § 36-933(C), or to civil or criminal penalties;
3. Not prepare a cottage FOOD product for sale to a consumer, if the individual does not have a current registration with the Department;
 4. Maintain an active certification from a food handler training course from an accredited program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individual;
 5. Renew the registration in subsection (A)(3) every three years;
 6. Submit any change to the information or documents provided according to subsection (A)(2) to the Department within 30 calendar days after the change; and
 7. Display the cottage food preparer's certificate of registration when selling cottage FOOD at a location
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other than from the home kitchen.

B. An individual is not exempt from all other requirements in this Article if the individual does not maintain both an active food handler’s certification, according to subsection (A)(4), and a current registration as a cottage food preparer with the Department, according to subsection (A)(5).

C. The registered cottage food preparer shall:

1. Prepare FOOD in the home kitchen of the registered cottage food preparer;

2. Only use ingredients from an approved source and allowed by law, as specified in A.R.S. § 36-932(G);

3. Package the food at the home with an attached label that meets the requirements in A.R.S. § 36-932, including:

a. The name and registration number of the cottage food preparer registered with the Department;

b. A list of all ingredients in the cottage FOOD;

c. The date the cottage FOOD was prepared;

d. The statement required by A.R.S. § 36-932(A)(3): This product was produced in a home kitchen that may come in contact with common FOOD allergens and pet allergens and is not subject to public health inspection;

e. The statement required by A.R.S. § 36-932(A)(5): To obtain additional information about cottage foods or to report a foodborne illness, go to azdhs.gov/Cottagefood; and

f. If applicable, a statement that the cottage FOOD was prepared in the home kitchen of a facility for individuals with developmental disabilities; and

4. Ensure that the packaging:

a. Is clean and sanitary, and secure; is appropriate for the consistency and temperature of the food; and totally encloses the food; and

b. Contains a tamper-evident seal, which could be the label.

D. The registered cottage food preparer selling the cottage food:

1. Shall only offer cottage FOODS for sale and delivery in Arizona;

2. For cottage food products that are not Time/Temperature Control for Safety FOODS, may:

a. Sell and deliver directly to a consumer, or

b. Use a third-party food delivery platform for delivery to a consumer;

3. If using a third-party delivery platform, shall utilize a third-party delivery platform that agrees to comply with A.R.S. § 36-932 (E)(2);

4. For cottage food products that are Time/Temperature Control for Safety FOODS or contain meat or poultry products, shall ensure that the food:

a. Is delivered in person directly to the consumer;

b. Is not delivered by a third-party food delivery platform;

c. Is maintained at the appropriate temperature during delivery and until provided to the consumer;

d. Is transported to no more than one destination and for no longer than two hours in duration, including any time spent delayed in traffic; and

e. Is not sold to the public except at the initial destination; and

5. If selling a cottage food product through a third-party vendor, such as inside a store or kiosk, shall ensure

that:

a. The cottage food product is sold in a separate section of the store or on a display case separate from non-homemade food items, and

b. The third-party vendor displays a sign that indicates that the cottage food product is homemade and exempt from state licensing and inspection.

E. If a cottage food product is offered for sale online, the registered cottage food preparer shall provide a prominent notification that includes all of the labeling information required in subsections (C)(3)(a) through (f).

F. The Department shall:

1. Process an application in subsection (A)(2) according to A.R.S. § 41-1073;

2. Issue a certificate of registration if the application is in compliance with the requirements of this Section;

3. Notify the applicant in writing if additional information is required;

4. Consider the application withdrawn if the Department does not receive a response to the notification in subsection (F)(3) within 30 days after the notification; and

5. Deny an application that is not in compliance with this Section.

G. The Department:

1. Shall notify the registered cottage food preparer in writing of:

a. Suspected noncompliance with A.R.S. Title 36, Chapter 8, Article 1, or this Section; or

b. Receipt of a food safety complaint; and

2. May suspend or revoke the cottage food preparer's registration for:

a. Noncompliance with A.R.S. Title 36, Chapter 8, Article 1, or this Section;

b. Receipt of a verified food safety complaint;

c. Impeding the investigation, according to 9 A.A.C. 6, Article 2 or 3, of a reported foodborne illness; or

d. A violation under A.R.S. § 36-601.

H. A registered cottage food preparer may appeal a suspension or revocation according to A.R.S. Title 41, Chapter 6, Article 10.