

MT COTTAGE FOOD BUSINESS: HOW THIS ALL GOT STARTED



“The most effective way to facilitate good business practices is to provide education before regulation. We prioritize partnership with stakeholders and across agencies to cultivate and communicate best practices for safe food production and marketplace success.”

- Washington Department of Agriculture Office of Compliance and Outreach

BACKGROUND

2013

Legislature mandated DPHHS, Montana Department of Agriculture and Livestock to study Montana's food laws and rules and develop recommendations to make them clearer and to address the need for rules for a cottage food industry in MT.

- A stakeholder advisory committee was formed
- Public meetings were held across the state

BACKGROUND

2015

Grow Montana, Montana Farmers Union, AERO and other partners successfully lobbied the 2015 Montana legislation in the passage of HB 478 that implemented most of the recommendations of the advisory committee.

THE BIG “8” OPPORTUNITIES FOR MT FOOD ENTREPRENEURS

- 1) Cottage Food is a business option
- 1) Food manufacturers, cottage food operations, and farmer may offer free food samples without a retail food license.
- 1) More types of farm products now fall under “raw agricultural commodity”
- 1) Revised definition of “retail food establishment” expands opportunities

OPPORTUNITIES CONT.

- 5) Mobile food establishments need only a single state license
- 6) Food Service Vendors can set up at recurring events and be licensed similar to a single event
- 7) There is a due process in the event of an adverse regulatory judgement
- 8) The new law along with the adoption of the model federal food code bring clarity and predictability to Montana's retail food sector.

KEY TERMS AND DEFINITIONS

A **“retail food establishment”** sells food directly to the consumer.

The following are not **“retail food establishments”**:

- Growers or harvesters of raw agricultural commodities
- A food stand that offers raw agricultural commodities
- Cottage food operations

KEY TERMS AND DEFINITIONS

"Cottage food operation" means:

A person who provides, manufactures, or packages cottage food products...

Only in a domestic kitchen, and Only for direct sale to a "consumer" in this state.

"Cottage food products" are:

1. Foods that are not potentially hazardous
2. Are made only in a cottage food operation

KEY TERMS AND DEFINITIONS

"Raw agricultural commodity"

Is any food in its raw, unaltered state, including; fruits, vegetables, raw honey, and grains.

It is not a raw agricultural commodity if it is:

- cooked
- canned
- preserved
- combined with other food products
- or peeled, diced, cut, blanched, or otherwise subjected to value-adding procedures.

KEY TERMS AND DEFINITIONS

"Potentially hazardous food" means:

Foods that require: *time and temperature control for safety.*

FOOD AND AGRICULTURE DEVELOPMENT CENTERS

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OTHER FOOD BUSINESS RESOURCE PROVIDERS

Small Business Development Centers

<http://sbdc.mt.gov/>

MT Department of Agriculture

<http://agr.mt.gov/>

MT Department of Commerce

<http://commerce.mt.gov>

Department of Health and Human Services

<http://dphhs.mt.gov/publichealth/FCSS>