

### **901:3-20-01 Criteria and definitions for cottage food operations.**

(A) Pursuant to division (B) of section 3715.025 of the Revised Code, cottage food production operations shall comply with the provisions of Chapter 901:3-20 of the Administrative Code.

(B) Definitions:

As used in Chapter 901:3-20 of the Administrative Code:

(1) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.

(2) "CFR" means Code of Federal Regulations.

(3) "Cottage food production operation" has the same meaning stated in section 3715.01 of the Revised Code.

(4) "Director" means the director of the Ohio department of agriculture.

(5) "Misbranded" has the meaning stated in section 3715.60 of the Revised Code.

(6) "Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding atmosphere, which is approximately twenty-four per cent at sea level. It includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package; and

(b) Modified atmosphere packaging, in which the atmosphere of a package is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen.

(7) All other technical definitions are the same as those found in section 3715.01 of the Revised Code.

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Rule Amplifies: 3715.025

Prior Effective Dates: 6/22/2009

### **901:3-20-02 Labeling.**

(A) A cottage food production operation shall label each food product and include on the label the information mandated by section 3715.023 of the Revised Code, in addition to the food labeling requirements of 21 CFR Part 101 (April 1, 2014).

(B) Food products identified and labeled in accordance with paragraph (A) of this rule are acceptable food products that a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code may offer for sale or use in preparing and serving food.

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### **901:3-20-03 Cottage food products sampling.**

All cottage food products as outlined in rule 901:3-20-04 of the Administrative Code are subject to food sampling conducted by the director of agriculture, or representative the director authorizes, to determine if a food product is misbranded or adulterated. A component of the food sampling conducted under this section may include the performance of sample analyses in accordance with Chapter 3715. of the Revised Code.

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### **901:3-20-04 Cottage food products allowed.**

(A) The food items listed below are approved as cottage food products:

- (1) Non-potentially hazardous bakery products;
- (2) Jams;
- (3) Jellies;
- (4) Candy, not including fresh fruit dipped, covered, or otherwise incorporated with candy;
- (5) Flavored honey which has been produced by a beekeeper exempt under division (A) of section 3715.021 of the Revised Code;
- (6) Fruit chutneys;
- (7) Fruit butters;
- (8) Granola, granola bars, granola bars dipped in candy , if fruit is used in any of these products it must be commercially dried;
- (9) Maple sugar produced by a maple syrup producer exempt under division (A) of section 3715.021 of the Revised Code;
- (10) Popcorn, flavored popcorn, kettle corn, popcorn balls, caramel corn , not including popping corn;
- (11) Unfilled baked donuts;
- (12) Waffle cones and waffle cones dipped in candy;

- (13) Pizzelles;
  - (14) Dry cereal and nut snack mixes with seasonings;
  - (15) Roasted coffee, whole beans or ground;
  - (16) Dry baking mixes in a jar, including cookie mix in a jar;
  - (17) Dry herbs and herb blends;
  - (18) Dry soup mixes containing commercially dried vegetables, beans, grains, and seasonings;
  - (19) Dry seasoning blends; and
  - (20) Dry tea blends.
- (B) Cottage food products may not be packed using reduced oxygen packaging.

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### **901:3-20-05 Prohibitions.**

A cottage food operation may not do any of the following:

- (A) Process potentially hazardous foods;
- (B) Process acidified and low acid canned food;
- (C) Offer for sale adulterated or misbranded food;
- (D) Refuse the taking of samples as authorized by rule 901:3-20-03 of the Administrative Code;
- (E) Produce food items not expressly listed in paragraph (A) of rule 901:3-20-04 of the Administrative Code; or
- (F) Sell cottage food products outside the state of Ohio.

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