

SENATE BILL 838

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6lr2651

By: **Senator Ready**

Introduced and read first time: February 6, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Cottage Food Businesses and Home Bakeries**

3 FOR the purpose of altering the definition of “cottage food product” for purposes of
4 provisions of law governing the sale of cottage food products to include nonpotentially
5 hazardous foods, rather than nonhazardous foods, as specified in regulations adopted
6 by the Maryland Department of Health; providing that a home bakery is not
7 required, under certain circumstances, to be licensed by the Maryland Department
8 of Health; applying certain provisions of law governing cottage food businesses to
9 home bakeries; and generally relating to cottage food business and home bakeries
10 products.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 21–301(a)
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 21–301(b–2), (g)(3), and (h)(3) and 21–330.1
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2025 Supplement)

21 BY adding to
22 Article – Health – General
23 Section 21–301(h–1) and (h–2)
24 Annotated Code of Maryland
25 (2023 Replacement Volume and 2025 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

21–301.

(a) In this subtitle the following words have the meanings indicated.

(b–2) “Cottage food product” means a [nonhazardous] **NONPOTENTIALLY HAZARDOUS** food, as specified in regulations adopted by the Department, that is sold in the State in accordance with § 21–330.1 of this subtitle and regulations adopted by the Department:

(1) Directly to a consumer from a residence, at a farmer’s market, at a public event, by personal delivery, or by mail delivery; or

(2) To a retail food store, including a grocery store, or a food cooperative.

(g) (3) “Food processing plant” does not include:

(i) A warehouse or distribution center that:

1. Does not process food; and

2. Stores only sealed containers of whole bean, ground or instant coffee, leaf or instant teas, nondairy dehydrated whiteners, sugar, or sugar–free sweeteners; [or]

(ii) A cottage food business; **OR**

(III) A HOME BAKERY.

(h) (3) “Food service facility” does not include:

(i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;

(ii) A food preparation or serving area where food is prepared or served only by an excluded organization;

(iii) A location in a farmer’s market or at a public festival or event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold; [or]

(iv) A cottage food business; **OR**

1 **(V) A HOME BAKERY.**

2 **(H-1) “HOME BAKERY” MEANS A BUSINESS THAT:**

3 **(1) PRODUCES OR PACKAGES HOME BAKERY PRODUCTS IN A**
4 **RESIDENTIAL KITCHEN;**

5 **(2) SELLS THE HOME BAKERY PRODUCTS IN ACCORDANCE WITH §**
6 **21-330.1 OF THIS SUBTITLE AND REGULATIONS ADOPTED BY THE DEPARTMENT;**
7 **AND**

8 **(3) HAS ANNUAL REVENUES FROM THE SALE OF HOME BAKERY**
9 **PRODUCTS IN AN AMOUNT NOT EXCEEDING \$50,000.**

10 **(H-2) “HOME BAKERY PRODUCT” MEANS A NONPOTENTIALLY HAZARDOUS OR**
11 **POTENTIALLY HAZARDOUS FOOD, AS SPECIFIED IN REGULATIONS ADOPTED BY THE**
12 **DEPARTMENT, THAT IS:**

13 **(1) BREAD, A CAKE, A PIE, A COOKIE, A CRACKER, A DOUGHNUT, A**
14 **MUFFIN, A PASTRY, A PIZZA CRUST, OR ANY OTHER SIMILAR BAKED GOOD, WHETHER**
15 **PARTIALLY OR COMPLETELY BAKED; AND**

16 **(2) SOLD IN THE STATE IN ACCORDANCE WITH § 21-330.1 OF THIS**
17 **SUBTITLE AND REGULATIONS ADOPTED BY THE DEPARTMENT:**

18 **(I) DIRECTLY TO A CONSUMER FROM A RESIDENCE, AT A**
19 **FARMER’S MARKET, AT A PUBLIC EVENT, BY PERSONAL DELIVERY, OR BY MAIL**
20 **DELIVERY; OR**

21 **(II) TO A RETAIL FOOD STORE, INCLUDING A GROCERY STORE,**
22 **OR A FOOD COOPERATIVE.**

23 21-330.1.

24 (a) This section does not:

25 (1) Apply to a food establishment that is required to have a license under §
26 21-305 of this subtitle; or

27 (2) Exempt a cottage food business **OR HOME BAKERY** from any applicable
28 State or federal tax laws.

(b) A cottage food business **OR HOME BAKERY** is not required to be licensed by the Department if the owner of the cottage food business **OR HOME BAKERY** complies with this section.

(c) The owner of a cottage food business **OR HOME BAKERY** may sell only cottage food **OR HOME BAKERY** products that are:

(1) Stored on the premises of the cottage food business **OR HOME BAKERY**; and

(2) Prepackaged with a label that contains:

(i) The following information:

1. A. The name and address of the cottage food business **OR HOME BAKERY**; or

B. The name and phone number of the cottage food business **OR HOME BAKERY** and the identification number assigned to the cottage food business **OR HOME BAKERY** under subsection (d) of this section;

2. The name of the cottage food product **OR HOME BAKERY PRODUCT**;

3. The ingredients of the cottage food product **OR HOME BAKERY PRODUCT** in descending order of the amount of each ingredient by weight;

4. The net weight or net volume of the cottage food product **OR HOME BAKERY PRODUCT**;

5. Allergen information as specified by federal labeling requirements; and

6. If any nutritional claim is made, nutritional information as specified by federal labeling requirements;

(ii) The following statement printed in 10 point or larger type in a color that provides a clear contrast to the background of the label: "Made by a cottage food business **OR HOME BAKERY** that is not subject to Maryland's food safety regulations."; and

(iii) For a cottage food product **OR HOME BAKERY PRODUCT** offered for sale at a retail food store:

1. The phone number and e-mail address of the cottage food business **OR HOME BAKERY**; and

2. The date the cottage food product **OR HOME BAKERY PRODUCT** was made.

(e) The owner of a cottage food business **OR HOME BAKERY** shall comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products **OR HOME BAKERY PRODUCTS**.

(2) On receipt of a complaint, a representative of the Department, at a reasonable time, may enter and inspect the premises of a cottage food business **OR HOME BAKERY** to determine compliance with this section.

(i) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business **OR HOME BAKERY** under paragraph (2) of this subsection; or

(4) An investigation of a cottage food business **OR HOME BAKERY** conducted under this subsection may include sampling of a cottage food product **OR HOME BAKERY PRODUCT** to determine if the cottage food product **OR HOME BAKERY PRODUCT** is misbranded or adulterated.

(1) Documentation of the owner's successful completion of a food safety course approved by the Department; and

(h) Beginning on or before December 30, 2020, and every December 30 thereafter, the Department shall report to the Senate Finance Committee and the House Health [and

1 Government Operations] Committee, in accordance with § 2–1257 of the State Government
2 Article, on:

3 (1) The documentation and labels submitted under subsection (f) of this
4 section; and

5 (2) Any complaints received by the Department related to a cottage food
6 business [or], cottage food product, **HOME BAKERY, OR HOME BAKERY PRODUCT**.

7 (i) The Department shall adopt regulations to carry out this section.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2026.