

# SENATE BILL 838

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By: Senator Ready

Introduced and read first time: February 6, 2026

Assigned to: Finance

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## 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:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Health – General

2 21-301.

3 (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

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

11 (g) (3) "Food processing plant" does not include:

12 (i) A warehouse or distribution center that:

13 1. Does not process food; and

17 (ii) A cottage food business; OR

### (III) A HOME BAKERY.

19 (h) (3) "Food service facility" does not include:

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

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

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

28 (iv) A cottage food business: QR

## (V) A HOME BAKERY.

**(H-1) "HOME BAKERY" MEANS A BUSINESS THAT:**

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

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:

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

23 21-330.1.

24 (a) This section does not:

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

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

8 (2) Prepackaged with a label that contains:

9 (i) The following information:

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

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

3       (d) At the request of a cottage food business **OR HOME BAKERY**, the Department  
4 shall provide to the cottage food business **OR HOME BAKERY** a unique identification  
5 number that the cottage food business **OR HOME BAKERY** may use on the label of a cottage  
6 food product **OR HOME BAKERY PRODUCT** under subsection (c) of this section.

10 (f) (1) The Department may investigate any complaint alleging that a cottage  
11 food business **OR HOME BAKERY** has violated this section.

15 (3) The owner of a cottage food business **OR HOME BAKERY** may not:

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

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

25 (g) Before the owner of a cottage food business **OR HOME BAKERY** may sell a  
26 cottage food product **OR HOME BAKERY PRODUCT** to a retail food store, the owner shall  
27 submit to the Department:

30 (2) The label that will be affixed to the cottage food product **OR HOME**  
31 **BAKERY PRODUCT** in accordance with subsection (c)(2) of this section.

32 (h) Beginning on or before December 30, 2020, and every December 30 thereafter,  
33 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.