

Prepared Testimony of Kimberly Treacy  
Senate Finance Committee Hearing on SB 0701  
Public Health – Cottage Food Products –  
Non-potentially Hazardous Foods and Refrigerated Baked Goods

February 28, 2025

In March of 2018, I sat in the gallery and listened to several home bakers provide testimony in support of House Bill 1106, which would greatly expand one of the most restrictive cottage food laws in the nation. Today, I am compelled to stand up and speak up before this committee to let you know that, seven years later, many home bakers are suffering under misguided policy decisions by the Maryland Department of Health bureaucrats that seem to undermine the legislative intent of Maryland lawmakers.

I have great admiration for bureaucrats – I was one. I enlisted in the U.S. Army Reserve during college, and, after graduation, I began working for the federal government. While employed, I earned a master's in government from Johns Hopkins University. I spent a decade in the federal government and met my fair share of bureaucrats all over the world, but the ones at the Maryland Department of Health really take the cake.

In 2018, the Maryland legislature passed House Bill 1106 with resounding bipartisan support so that home bakers could legally engage in state commerce and earn a living. Unfortunately, since then, home bakers have been on a roller coaster of new policies and frequent policy changes issued by the Department of Health that continually hinder our ability to run a successful business. We jump through hoop after hoop and never feel like we are on solid ground. A fellow home baker cited being “tired of all the random cottage laws,” as a reason she closed her successful cottage food business in 2023. Other home bakers lament that things are worse now than they were before we got the laws expanded in 2018.

Just last week, after taking several months off to recover from some injuries, I found out that bureaucrats in the Department of Health quietly destroyed my cottage food business model with an FAQ-style update posted to their website. My cottage food business consists almost

exclusively of teaching cookie-decorating classes. This business model works best for me as I navigate the sandwich generation of caring for school-age children and an elderly parent.

In 2020, I began teaching cookie-decorating classes after I was selected as an instructor at Cookie Con, a cookie-decorating convention attended by hundreds of cookie decorators from around the world. I have invested thousands of dollars in my cottage food business, including LLC fees, insurance premiums, website fees, education/professional development, marketing, equipment, cookie cutters, labels/packaging, and class materials. In addition to my for-profit classes, I have donated several cookie-decorating classes over the years that have raised thousands of dollars for local schools and non-profits.

According to the information on the Department of Health website (<https://health.maryland.gov/phpa/OEHFP/OFPCHS/Pages/Cottagefoods.aspx>), “packaging of wet icing is not allowed.” This policy makes no sense as every cookie decorator safely uses bagged icing in their home kitchens to prepare products that are allowable under cottage food laws. Furthermore, they already require us to have our icing tested by an accredited lab for food safety.

As a “solution,” the Department of Health proposes that we can provide the ingredients for icing and “class participants would be able to reconstitute the icing and decorate baked goods at the decorating class.” I am very curious how they came to the conclusion that having multiple people, including children, each operating electric mixers (plugged into outlets!) in a classroom setting with limited hand-washing stations protects the public’s health and safety more than bagged icing – prepared in my home kitchen in the same manner that I would prepare icing used to decorate cookies allowable for sale under cottage food laws? It is absurd, and a perfect example of how the Department of Health seems more interested in thwarting the success of cottage food businesses than engaging in thoughtful and informed policymaking to protect the public’s health and safety.

I hope that passage of Senate Bill 0701 will put an end to the Maryland Department of Health’s executive overreach that has plagued the Maryland cottage food industry for years. This

bill is an indictment of the behavior of bureaucrats at the Department of Health who have subverted legislative intent, and by default, the will of the people for far too long.

Let me be clear – no one – especially cottage food makers, wants to put the public's health at risk. However, we must also acknowledge the fact that every single person in this room has been fed by home cooks *their entire lives*. Humans have been fed by home cooks for millennia. The Department of Health has lost sight of this. I cannot testify as to why they seem so intent on squashing cottage food businesses; I can only testify that they have succeeded in destroying mine.

This month, I celebrate eleven years of cookie decorating. I have safely baked thousands of cookies for all types of people and events. I have had the solemn honor of gifting cookies for a young veteran and his family to celebrate Thanksgiving while in hospice at Walter Reed. I have made cookies to celebrate teachers, deployed troops, first responders, nurses, local small businesses and authors, including the Duchess of York on her book tour of the United States. Through cookies, I have helped raise money for pediatric cancer research, homeless shelters, the ALS Foundation, the Cystic Fibrosis Foundation, World Central Kitchen, local youth sports and local schools/parent teacher organizations.

Home bakers are a *good thing*. We do *good work*. We are there for our communities to celebrate life's milestones and provide support during the tough times, too. Cookies have enriched my life beyond measure through the people I have met and the joy my craft brings into their lives. Please, help Maryland cottage food makers succeed without fear of the rug being pulled out from under us by the misguided whims of the executive branch. Senate Bill 0701 is a step in the right direction, but I also believe an oversight committee comprised of cottage food makers and representatives from the Department of Health, the Comptroller of Maryland, and the legislative branch would be invaluable moving forward to make sure all stakeholders are considered and a balance is achieved between public safety and commerce.

Thank you for your time and attention. It has been an honor to testify before you today.