



Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

February 25, 2026

The Honorable Pamela Beidle  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
Annapolis, MD 21401-1991

**RE: Senate Bill 838 – Public Health - Cottage Food Businesses and Home Bakeries – Letter of Opposition**

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for Senate Bill (SB) 838 – Public Health - Cottage Food Businesses and Home Bakeries. SB 838 would create a new category of business called a “home bakery”, a business that produces or packages home bakery products in a residential kitchen and sells the products in compliance with current cottage food business requirements in Health-General §21-330.1. Of note, home bakery products would include baked goods of all sorts, whether non-potentially hazardous or potentially hazardous, and would also include partially baked products.

The Department notes that SB 838 fundamentally changes the risk for consumers purchasing home-produced, unregulated food products made in the State. Currently, individuals are able to produce in their home kitchens and sell certain non-potentially hazardous baked goods as a cottage food business (CFB), which requires no license or inspection. The foods CFBs are allowed to sell are limited to ones that do not require any temperature control for safety (i.e. nonpotentially hazardous).<sup>1</sup> This allows for enterprising small businesses to make and sell food to the public while minimizing the risk to consumers.

By allowing potentially hazardous baked products (i.e. products that require temperature control for safety, meaning they need to be kept hot or cold to prevent bacterial growth) to be included in the definition of “home bakery product”, this bill would dramatically shift the assumptions of safety for consumers. Potentially hazardous baked goods, by their nature, are good media for the growth of bacteria by virtue of their water activity and pH, combined with the potential absence of a step to completely kill bacteria (i.e. the complete baking process). A consumer purchasing these products would have no way of knowing whether a partially baked pizza crust, or a

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<sup>1</sup> More information: Guidelines for Cottage Food Businesses  
[https://health.maryland.gov/phpa/OEHFP/OFPCHS/Documents/MDH%20Cottage%20Food%20Businesses\\_March\\_2025\\_FINAL%20\(1\).pdf](https://health.maryland.gov/phpa/OEHFP/OFPCHS/Documents/MDH%20Cottage%20Food%20Businesses_March_2025_FINAL%20(1).pdf)

completely baked moist bread, had been handled with adequate (or any) refrigeration from the point of manufacture to the point of purchase, unlike what is expected and required of a licensed and inspected food manufacturer.

Three of the most common causes of foodborne illness in the United States are inadequate time and temperature control during the initial cooking of food, allowing foods to remain out of temperature control for a prolonged period during preparation, and inadequate cold holding temperature.<sup>2</sup> SB 838 makes no provisions for any of these, and consumers would have no way of assessing whether their products had been appropriately handled prior to purchase. Additionally, without licensure or registration, the Department will have no way of knowing who is operating a home bakery in the State, making complaints or foodborne illness outbreaks more difficult to investigate.

If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at [meghan.lynch@maryland.gov](mailto:meghan.lynch@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Meena Seshamani', with a stylized flourish at the end.

Meena Seshamani, M.D., Ph.D.  
Secretary of Health

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<sup>2</sup> [Holst MM, Wittry BC, Crisp C, Torres J, Irving D, Nicholas D. Contributing Factors of Foodborne Illness Outbreaks — National Outbreak Reporting System, United States, 2014–2022. MMWR Surveill Summ 2025;74\(No. SS-1\):1–12.](#)