

SENATE, No. 4648

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 1, 2026

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator Singleton

SYNOPSIS

Codifies requirements for cottage food operators and increases scope of permitted sales by cottage food operators.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/15/2026)

1 AN ACT concerning cottage food operators and supplementing Title
2 24 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. A person or entity that engages in the production,
8 distribution, or sale of food to consumers shall:

9 (1) have a cottage food operator permit; or

10 (2) comply with applicable laws to retail food establishments.

11 b. A person seeking to obtain a cottage food operator permit
12 shall submit to the Public Health and Food Protection Program in
13 the Department of Health:

14 (1) a completed application in the form at N.J.A.C.8:24-11
15 Appendix or its successor regulation;

16 (2) a copy of a certificate issued by an accredited program
17 showing that the applicant is a food protection manager in good
18 standing with the accredited program;

19 (3) if the cottage food operator's kitchen:

20 (a) uses private well water, a microbiological total coliform
21 analysis of the private well water that is conducted using samples
22 collected no earlier than 60 days prior to the filing date of the
23 application, which is the postmark date, if the application is mailed,
24 or the date of submission, if hand-delivered; and

25 (b) does not use private well water, a copy of most recent water
26 bill for the location of the cottage food kitchen; and

27 (4) the nonrefundable application fee established at
28 N.J.A.C.8:24-11.6, or its successor regulation, payable to the
29 Treasurer, State of New Jersey.

30 c. (1) The Department of Health shall conduct a completeness
31 review of the application and notify the applicant in writing of any
32 deficiency or incompleteness therein that the applicant shall correct
33 before the department will process further the application.

34 (2) If an applicant fails to correct a deficient or incomplete
35 application within 30 days of the issuance of a notice pursuant to
36 paragraph (1) of this subsection, the department shall deem the
37 application abandoned.

38 (3) Upon determining an application to be complete, the
39 department shall issue a cottage food operator permit to the
40 applicant.

41 d. An applicant for a cottage food operator permit shall ascertain
42 and comply with applicable local laws of the municipality in which
43 the applicant seeks to operate a cottage food operation.

44

45 2. a. Notwithstanding the provisions of any State law, rule, or
46 regulation to the contrary, a cottage food operator permit authorizes
47 a holder thereof:

- 1 (1) to produce cottage food products in the private kitchen of the
2 operator's residence and at no other location;
- 3 (2) subject to N.J.A.C.8:24-11.5 or its successor regulation, to
4 distribute cottage food products to consumers thereof without being
5 subject to initial or periodic inspection by a health authority and
6 other requirements applicable to retail food establishments under
7 State law or regulation and the Public Health Practice Standards of
8 Performance for Local Boards of Health in New Jersey at
9 N.J.A.C.8:52, or its successor regulation, other than as specified in
10 this act;
- 11 (3) to distribute and sell cottage food products to:
- 12 (a) a wholesale establishment as N.J.A.C.8:21-9, or its
13 successor regulation, defines that term;
- 14 (b) a retail food establishment; or
- 15 (c) a consumer located within the State through United States
16 postal mail or a common carrier, subject to N.J.A.C.8:24-11.2(b).
- 17 b. A cottage food operator may transact activities that are
18 ancillary to the delivery or relinquishment of cottage food products
19 to a consumer by means of United States postal mail, common
20 carrier, electronic communication, internet, or telephone, provided
21 the delivery or relinquishment of cottage food products occurs in
22 New Jersey in compliance with N.J.A.C.8:24-11.3(a) or its
23 successor regulation. Authorized ancillary transactions include:
- 24 (1) accepting order placements;
- 25 (2) receiving payments;
- 26 (3) engaging in marketing or advertising activities; and
- 27 (4) participating in other business activities other than cottage
28 food product delivery and relinquishment.
- 29
- 30 3. a. A cottage food operator shall not deliver or relinquish
31 cottage food products:
- 32 (1) at a location other than:
- 33 (a) the home of the cottage food operator, but not for onsite
34 consumption;
- 35 (b) the home of the consumer, provided the home is in New
36 Jersey;
- 37 (c) a New Jersey farmers' market or farm stand;
- 38 (d) a retail food establishment;
- 39 (e) a wholesale establishment;
- 40 (f) in New Jersey, to the consumer, provided applicable law
41 does not otherwise prohibit the delivery or relinquishment at the
42 location;
- 43 (2) to a person who is not the consumer; or
- 44 (3) in interstate commerce, that is, outside of the State of New
45 Jersey, subject to N.J.A.C.8:24-11.2(b) or its successor regulation.
- 46 b. The gross annual sales that a cottage food operator generates
47 from the sale of cottage food products shall not exceed \$150,000.

1 4. a. A cottage food operator shall make available for
2 inspection, on request, the operator's permit if the point of sale is
3 the residence of the operator or the consumer.

4 b. If the point of sale is a location other than the residence of the
5 operator or the consumer, the operator shall place at the point of
6 sale, on conspicuous and unobstructed display, the cottage food
7 permit and a placard that states, "This food is prepared pursuant to
8 P.L. , c. (C.) (pending before the Legislature as this bill) in
9 a home kitchen that has not been inspected by the Department of
10 Health."

11 c. A cottage food operator shall affix one or more labels or tags
12 on cottage food that collectively state at least the following:

13 (1) the common name of the cottage food product;

14 (2) the cottage food product ingredients in descending order of
15 predominance by weight;

16 (3) if the cottage food product contains a major food allergen,
17 the word, "Contains" followed by a list of the major food allergens
18 that the cottage food product contains;

19 (4) the cottage food operator's name, business name, and cottage
20 food operator permit number;

21 (5) the name of the municipality in which the cottage food
22 operator prepares the cottage food product, which shall be the same
23 as the municipality that appears of record with the Department of
24 Health as the cottage food operator's residence, followed by either
25 "New Jersey" or "NJ"; and

26 (6) the statement, "This food is prepared pursuant to
27 P.L. , c. (C.) (pending before the Legislature as this bill) in
28 a home kitchen that has not been inspected by the Department of
29 Health.
30

31 5. a. Pursuant to R.S.24:1-1 (C.24:1-1 et seq.), a health
32 authority shall be authorized to enter upon, examine, and survey
33 any premises, including the home kitchen of a cottage food
34 operator, and things thereof, including materials, equipment, books,
35 and records:

36 (1) to enforce or confirm compliance with any health law or
37 other law under the official's jurisdiction; and

38 (2) to investigate complaints associated with cottage food
39 products, such as contamination, foodborne illness, misbranding, or
40 adulteration.
41

42 6. a. The fee to apply for a cottage food operator permit shall
43 be \$100.00.

44 b. A cottage food operator permit shall be valid for two years
45 from date of issuance.

46 c. The fee to apply for renewal of a cottage food operator permit
47 shall be \$100.00.

1 d. To prevent permit lapse, a cottage food operator permittee
2 shall submit an application for permit renewal to the Department of
3 Health by no later than 45 days before the expiration of the permit
4 that is in effect.

5
6 7. a. A person or entity that violates any provision of this act or
7 refuses to comply with a lawful order or direction of a health
8 authority shall be liable for penalties as provided by R.S.24:17-1
9 (C.24:17-1 et seq.) and section 10 of P.L.1947, c.177 (C.26:1A-10),
10 and any injunctive action as provided by law.

11 b. The Department of Health may impose a monetary penalty
12 pursuant to R.S.24:17-1 (C.24:17-1 et seq.) and section 10 of
13 P.L.1947, c.177 (C.26:1A-10), suspend, revoke, or refuse to issue or
14 renew, a cottage food operator permit, if the applicant or permit
15 holder fails to comply with applicable provisions of this act, Titles
16 24 and 26 of the Revised Statutes of New Jersey, or any other
17 applicable rules or statutes, or if a health authority determines that
18 the applicant or permit holder poses a threat to public health, safety,
19 or welfare. The department shall provide the applicant or permit
20 holder notice of the monetary penalty, suspension, revocation, or
21 denial of issuance or renewal, of a permit, and the reason for the
22 action taken.

23 c. The department may issue a summary suspension of the
24 permit of a cottage food operator if the permit holder's continued
25 operation poses an immediate or serious threat to public health,
26 safety, or welfare. The department shall provide the permit holder
27 notice of a summary suspension and the reason for the action taken.
28 A summary suspension shall be effective as of the date of issuance.
29 A cottage food operator whose permit the department summarily
30 suspends shall have the right to apply for emergency relief, as
31 provided at N.J.A.C. 8:24-11.8 or its successor regulation.

32 d. If a person, entity, or cottage food operator operates as a
33 cottage food operator without a valid permit issued by the
34 department, fails or refuses to comply with an order of a health
35 authority, poses a threat to public health, safety, and welfare, or
36 engages in activity that is violative of applicable provisions of
37 Titles 24 and 26 of the Revised Statutes of New Jersey or this act,
38 the department may:

39 (1) issue an order requiring the person, entity, or cottage food
40 operator to cease and desist operations;

41 (2) take action in the New Jersey Superior Court against the
42 person, entity, or cottage food operator to enjoin its operations;

43 (3) confiscate, condemn, seize, sell, destroy, detain, or embargo
44 articles of food in accordance with R.S.24:1-1 (C.24:1-1 et seq.); or

45 (4) impose monetary penalties pursuant to R.S.24:17-1
46 (C.24:17-1 et seq.) and section 10 of P.L.1947, c.177 (C.26:1A-10).

47 e. A monetary penalty that the Department imposes pursuant to

1 R.S.24:17-1 (C.24:17-1 et seq.) or section 10 of P.L.1947, c.177
2 (C.26:1A-10) shall become due 45 days after the deadline to file an
3 appeal has ended. If an applicant for a cottage food operator permit
4 or a permit holder files an appeal with the department, then the
5 monetary penalty shall become due in accordance with
6 N.J.A.C.8:24-11.8(b) or its successor regulation.

7 f. Failure to pay a monetary penalty when it becomes due
8 pursuant to subsection e. of this section or N.J.A.C.8:24-11.8(b) or
9 its successor regulation may result in one or more of the following
10 actions being imposed on the applicant for a cottage food operator
11 permit or the permit holder:

12 (1) the institution of a summary civil proceeding by the State,
13 pursuant to the Penalty Enforcement Law of 1999," P.L.1999, c.274
14 (C.2A:58-10 et seq.);

15 (2) the department's denial of, or refusal to issue, a permit or a
16 permit renewal; or

17 (3) the revocation of an existing permit.

18

19 8. a. When the Department of Health summarily suspends the
20 permit of a cottage food operator, the operator shall maintain the
21 right to petition the Commissioner of the Department for emergency
22 relief.

23 b. To request emergency relief, the cottage food operator shall
24 submit to the department, within 30 days from the date of the notice
25 of summary suspension, a request in writing accompanied by a
26 response to the notice of summary suspension. Failure to submit a
27 request for emergency relief within 30 days from the date of the
28 notice of summary suspension shall result in the cottage food
29 operator's forfeiture of all rights to emergency relief.

30 c. All applications for emergency relief shall be handled in
31 accordance with N.J.A.C. 1:1-12.6(c) or its successor regulation.

32 d. Unless emergency relief is granted, the summary suspension
33 shall remain in effect until lifted by either the department or a court
34 of competent jurisdiction.

35 e. Nothing in this act shall be construed to prevent the
36 department from simultaneously, or thereafter, moving to suspend
37 or revoke the permit of a cottage food operator or to issue the
38 cottage food operator a monetary penalty.

39 f. If the Department issues a notice of proposed assessment of a
40 monetary penalty, permit suspension or revocation, or denial of
41 permit issuance or renewal, the department shall afford the
42 applicant or permit holder an opportunity for a hearing to contest
43 the proposed action.

44 g. (1) A monetary penalty, permit suspension, excluding
45 summary suspensions, or revocation, or denial of permit issuance or
46 renewal shall become effective and final 30 days from the date of
47 the notice of proposed action, unless the applicant or permit holder,
48 within that 30-day period, submits a written request for a hearing to

1 the Department with a response to the proposed action. Failure to
2 submit a written request for a hearing within 30 days from the date
3 of the notice of proposed action shall result in the applicant or
4 permit holder forfeiting all rights to such a hearing.

5 (2) If the applicant or permit holder submits a timely request for
6 a hearing, then the monetary penalty, or the suspension, excluding
7 summary suspensions, revocation, or denial of permit renewal shall
8 be held in abeyance until the hearing is concluded and a final
9 decision is rendered.

10 (3) A monetary penalty that is the subject of a hearing, which
11 the applicant or permit holder timely requests pursuant to this
12 section, shall be due 45 days after the Commissioner of Health's
13 issuance of a final agency decision determining the penalty.

14 (4) A revocation, suspension, or denial of issuance or renewal of
15 a cottage food operator permit is effective immediately upon the
16 commissioner's issuance of a final agency decision on the action.

17 h. The department shall transmit hearing requests to the Office
18 of Administrative Law.

19 i. Hearings conducted under this act shall be conducted pursuant
20 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
21 1 et seq.), and P.L.1978, c. 67 (C.52:14F-1 et seq.), and the
22 Uniform Administrative Procedure Rules, N.J.A.C.1:1 or its
23 successor regulation.

24
25 9. The Commissioner of Health shall adopt rules and
26 regulations, pursuant to the "Administrative Procedure Act,"
27 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
28 implement the provisions of this act.

29
30 10. This act shall take effect immediately.

31 32 33 STATEMENT

34
35 This bill codifies existing regulations to stipulate the
36 requirements for cottage food operators and obtaining a cottage
37 food operator permit. The bill revises some of the requirements
38 established by current regulation to permit a cottage food operator
39 to:

40 1) distribute and sell cottage food products to wholesale
41 establishments, retail food establishments, and consumers located
42 within the State through in-State mailing; and

43 2) permit a cottage food operator to generate a gross annual
44 sales from the sale of cottage food products up to \$150,000, instead
45 of the \$50,000 limit established by current regulation.