

- (c) Grapes;
- (d) Peaches;
- (e) Plums; or
- (f) Quince;

(2) Jam, preserve, or jelly, made only from:

- (a) A fruit listed in §G(1) of this regulation;
- (b) Oranges;
- (c) Nectarines;
- (d) Tangerines;
- (e) Blackberries;
- (f) Raspberries;
- (g) Blueberries;
- (h) Boysenberries;
- (i) Cherries;
- (j) Cranberries;
- (k) Strawberries; or
- (l) Red currants;

(3) Fruit pies made from a fruit listed in §G(1) and (2) of this regulation; and

(4) Honey.

.27 Farmer's Market, Bake Sales, and Cottage Food Business.

A. The approving authority shall accept as being from an approved source the homemade foods specified in §B of this regulation when the foods are:

- (1) Made in a private home kitchen; and
- 2) Offered or sold only at a farmer's market, bake sale, or public event.

B. The approving authority shall allow the preparation and sale of the following foods in accordance with §A of this regulation:

(1) Non-potentially hazardous hot-filled canned acid fruit jellies, jams, preserves, and butters that are:

- (a) Unadulterated;**
- (b) Packaged to maintain food safety and integrity; and**
- (c) Labeled in accordance with Regulation .12 of this chapter;**

(2) Fruit butters made only from:

- (a) Apples;**
- (b) Apricots;**
- (c) Grapes;**
- (d) Peaches;**
- (e) Plums;**
- (f) Prunes;**
- (g) Quince; or**
- (h) Another fruit or fruit mixture that will produce an acid canned food;**

(3) Jam, preserve, or jelly made only from:

- (a) A fruit listed in §B(2) of this regulation;**
- (b) Oranges;**
- (c) Nectarines;**
- (d) Tangerines;**
- (e) Blackberries;**
- (f) Raspberries;**
- (g) Blueberries;**
- (h) Boysenberries;**

- (i) Cherries;
 - (j) Cranberries;
 - (k) Strawberries;
 - (l) Red currants; or
 - (m) Another fruit or fruit mixture that will produce an acid canned food;
- (4) Non-potentially hazardous baked goods;
- (5) Foods manufactured on a farm by a licensed food processor in accordance with COMAR 10.15.04.19;
- (6) Non-potentially hazardous candy; and
- (7) All other non-potentially hazardous foods produced by a licensed entity.

C. Cottage Food Business.

- (1) The approving authority shall allow the owner of a cottage food business to sell only cottage food products that are:
- (a) Produced or packaged in a residential kitchen;
 - (b) Stored on the premises of the cottage food business; and
 - (c) Prepackaged with a label that contains the following information:
 - (i) The name and address of the cottage food business;
 - (ii) The name of the cottage food product;
 - (iii) The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;
 - (iv) The net weight or net volume of the cottage food product;
 - (v) Allergen information as specified by federal labeling requirements;
 - (vi) Nutritional information as specified by federal labeling requirements, if any nutritional information claim is made; and
 - (vii) 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 that is not subject to Maryland's food safety regulations."

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

(3) Upon receipt of a complaint or outbreak of illness the approving authority may:

(a) Investigate the conditions under which the product was produced and any complaint alleging that a cottage food business has violated this regulation;

(b) Send a representative of the Department, at a reasonable time, to enter and inspect the premises of a cottage food business to determine compliance with this regulation; and

(c) Collect samples of a cottage food product or its ingredients to determine if the cottage food product is misbranded or adulterated.

(4) The owner of a cottage food business may not:

(a) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business in response to a complaint; or

(b) Interfere with any inspection or collection of samples in response to a complaint or outbreak of illness.

D. If the approving authority finds a person to be in violation of any provision of this regulation, the approving authority:

(1) Shall take action against a misbranded or adulterated food at a farmer's market, bake sale, or public event in accordance with Health-General Article, §§21-211, 21-253, and 21-254, Annotated Code of Maryland; and

(2) May determine that homemade food produced by the person is not from an approved source.

.28 Licenses.

A. The approving authority shall require a farmer to obtain a producer mobile farmer's market unit license as specified in COMAR 10.01.17 and 10.15.04 for the sale of a farm product at a farmer's market or at a public event that is not:

(1) A raw agricultural product as defined in Regulation .02B(61) of this chapter; or

(2) A pre-packaged non-potentially hazardous food.

B. A local health department may:

(1) Not require a farmer to obtain a producer mobile farmer's market unit license for that local jurisdiction; and