

# Home Bakery – Refrigerated Baked Goods

Those looking to produce and sell baked goods from their home beyond the non-potentially hazardous options covered by cottage food laws have the option of registering their operation as a “Home Bakery.” Although bakeries are included within the definition of a “food processing establishment,” licensed home bakeries are distinct from other bakeries, and, in addition to lesser registration fees, they will not be required to register as food processing establishments in order to sell their product.<sup>1</sup> Provided they meet certain safety requirements, any person who owns and operates a bakery with only one non-commercial oven in the primary kitchen of their own home may register to become a licensed home bakery.<sup>2</sup>

## Regulation Licensing

Ohio Department of Agriculture is responsible for the monitoring and licensing home bakeries. Prior to selling any potentially hazardous bakery items to consumers, home bakery owners must first obtain a Home Bakery License from ODA.<sup>3</sup> Anyone looking to own and operate a home bakery can go to ODA’s website to find and submit a Request for Inspection form.<sup>4</sup> Applicants can expect to provide their contact information, the location of the home bakery, and a description of the product they would like to produce. There is an annual home bakery licensing fee of \$10, with renewals being due by September 30 every year.<sup>5</sup>

## Inspection

Upon receiving a request for inspection and prior to issuing a license, the ODA Division of Food Safety will conduct an inspection of the residence where the food will be produced



to ensure the kitchen is meeting all legal requirements. Home bakeries may not use a secondary kitchen within the home or a commercial oven to prepare home bakery items for sale. Those undergoing an inspection can expect the inspector to be looking for the following:<sup>6</sup>

- The kitchen has walls, ceilings, and floors that are in good repair, clean and easily cleanable.
- The kitchen does not have carpeted floors.
- The home is free of pests.
- The home does not have pets and no pets are permitted in the home.
- The kitchen is maintained in a sanitary condition.
- Equipment and utensils are maintained in a sanitary condition.
- There is a mechanical refrigerator, equipped with a properly located thermometer, capable of maintaining 45 degrees Fahrenheit or less.
- Homes with well water are tested annually for coliform bacteria, with a negative test result within the past year.
- Adequate labels that are available for inspection.
- All other legal requirements have been met.

1 ORC 3715.041(G)(1)

2 ORC 911.02

3 ORC 911.02

4 <https://agri.ohio.gov/divisions/food-safety/resources/home-bakery>

5 ORC 911.02

6 ORC 911.04

Ohio requires that bakery ingredients and products are stored, handled, or transported in a manner that protects them from spoilage, vermin, contamination, disease and unwholesomeness.<sup>7</sup> Bakery facilities and equipment, including vehicles used to transport baked goods, must be maintained at all times in sanitary conditions free from dirt, dust, flies, insects and other contaminating matter.<sup>8</sup> Containers used to store and transport bakery products must only be used for bakery products and be constructed and sanitized in such a way to prevent outside contamination.<sup>9</sup> Any showcases or shelves used to display unwrapped bakery products must be well covered, properly ventilated, adequately protected from dust and flies and other contaminating matter and must be maintained in a “sweet, clean, and wholesome condition.”<sup>10</sup>

Table surfaces should remain free of clutter and no one should sit or lounge on any surface used in connection with any stage of food production.<sup>11</sup>

Any person handling the ingredients used in home bakery production must wash their hands before beginning their work,<sup>12</sup> and any person affected with any contagious, infectious, or other disease or physical ailment should stay away from the bakery items.<sup>13</sup>

Like cottage foods, home bakery products are subject to the food sampling authority of the ODA.<sup>14</sup> Violations of home bakery laws, including selling home bakery items without a license, can result in a first-degree misdemeanor.<sup>15</sup>

7 ORC 911.07  
8 ORC 911.10  
9 ORC 911.08  
10 ORC 911.09  
11 ORC 911.14  
12 ORC 911.13  
13 ORC 911.12, 911.11  
14 ORC 3715.022  
15 ORC 911.99

## Products

A licensed home bakery may manufacture and sell not only non-potentially hazardous bakery products, but also potentially hazardous bakery products that require refrigeration to prevent the growth of infectious or toxic microorganisms. A potentially hazardous food is a food that to which the following apply:

- It has a pH level greater than 4.6 when measured at 75 degrees Fahrenheit or 24 degrees Celsius.
- It has a water activity value greater than 0.85.
- It requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of clostridium botulinum, or in the case of raw shell eggs, the growth of salmonella enteritidis.<sup>16</sup>

Examples of potentially hazardous bakery products that a home bakery may produce for sale include:

- Cheesecake
- Cream pie
- Pumpkin pie
- Fry pie
- Filled donuts
- Waffles
- Belgian waffles
- Raw dough
- Egg noodles<sup>17</sup>
- Cream cheese frosting
- Pepperoni rolls

Home bakery products cannot be made with any ingredient that is likely to deceive the consumer or would lessen the nutritive value unless the product has been clearly marked to inform consumers of the actual ingredient.<sup>18</sup> Partially

16 ORC 3715.01(A)(18)  
17 Additional licensing requirements may apply depending on the location of the sale.  
18 ORC 911.05



Hydrogenated Oils (PHOs) are not Generally Recognized as Safe (GRAS) and therefore PHOs may not be used in bakery foods.<sup>19</sup>

**Packaging**

Similar to cottage foods, home bakery items must be packaged in sanitary conditions away from filth or contaminated areas that could create unhealthy food products.<sup>20</sup> Producers need to be just as mindful about their packaging to ensure there are no poisonous or dangerous elements within the packaging that could cause food items to become unhealthy for consumption.<sup>21</sup> Packaging must honestly present the items and must not conceal any product damages or inferiorities.<sup>22</sup>

**Label**

The label requirements for home bakery items come from both state law and, via state adoption, federal law.<sup>23</sup> Honest and accurate labels should be placed on the principal display panel portion of a package so a consumer can easily find the necessary information at the time of purchase.

- **Statement of Responsibility:** The name and address of the business of the operation. The address must include the street address, the city or town, the state, and zip code. Additional information such as telephone numbers, web addresses and email addresses are permitted but must not be placed between the ingredient list and the required information for the Statement of Responsibility and cannot be used in lieu of the Statement of Responsibility.<sup>24</sup>
- **Statement of Identity:** The common or usual name of the food product that accurately describes the nature of the food or its characterizing properties in bold type font on the principal panel of display. If the product is an imitation product, the label must bear the word “imitation” in uniform font immediately after the name of the food imitated.<sup>25</sup>
- **Ingredient List:** The ingredients of the food product by their common or usual name, in descending order of predominance by weight (meaning heaviest ingredient is listed first). Ingredient names must be specific and not a collective or generic name unless specifically identified in the “Acceptable Ingredient Designations” list at the end of the Cottage Food chapter. Ingredients composed of two or more ingredients must list those sub-ingredients parenthetically following the name of the ingredient.<sup>26</sup> Any food item that contains a “major food allergen” in any amount, even trace amounts, must declare the presence of the allergen by either including it in the list of ingredients or placing the word “contains” followed immediately by the allergen or the name

of the food source from where the allergen is derived after or adjacent to the ingredient list. The nine *major* food allergens are sesame, milk, eggs, tree nuts, peanuts, wheat, soybeans, fish, and crustacean shellfish.

- **Net Quantity of Contents:** The net weight and volume of the food product in both the U.S. Customary System and the SI metric system in a prominent and distinct location on a principal display of the food package. The term “NET WT” or other appropriate abbreviation must be used immediately prior to stating the quantity of food contained within the package (Ex. NET WT 12 OZ (340.19g)).<sup>27</sup> No qualifying phrases should be used in the net quality of contents statement to exaggerate the amount of food (e.g. Net Wt. = 1 Large oz. (5g) is not acceptable).<sup>28</sup> The net weight only includes the average quantity of food within the package and does not include the weight of the packing materials.<sup>29</sup>
- **Perishable Food Sale Date:** Bakery products with a quality assurance period of 30 days or less must be clearly marked with its sale date.<sup>30</sup> However, this is not required when the packaged food is sold at a place of business that has less than \$100,000 worth of all products sold during the previous year.<sup>31</sup> Sell by dates must be legible and easily understood by the average consumer. “Best if Used By,” “Best before,” “Sell by,” “Use by,” and “Use before” conveys the date by which the producer of a product recommends that the food product be sold based on the food product’s quality assurance period.<sup>32</sup> Words, numbers, abbreviations or a combination of the three such as “Dec. 27, 12-27, December 27, etc.” are acceptable.<sup>33</sup> Bakery products with a sale date less than 7 days from the date of packaging may use the following abbreviations:<sup>34</sup>

DAY OF THE WEEK	ABBREVIATIONS
Sunday	SU, SUN
Monday	MO, MON
Tuesday	TU, TUE
Wednesday	WE, WED
Thursday	TH, THU, THUR
Friday	FR, FRI
Saturday	SA, SAT

19 21 CFR 170.38  
 20 ORC 3715.59  
 21 ORC 3715.59  
 22 ORC 3715.59  
 23 OAC 3717-1-03.1  
 24 21 CFR 101.5  
 25 21 CFR 101.3  
 26 21 CFR 101.4

27 21 CFR 101.7; FPLA, Title 15 – Chapter 39, 1453(a) (2)  
 28 21 CFR 101.105(o)  
 29 21 CFR 101.5(g)  
 30 ORC 3715.171  
 31 ORC 3715.171(B).  
 32 21 CFR 107.20  
 33 OAC 901:3-57-04(D)  
 34 OAC 901:3-57-04(E)

**Label Example**

**BASIC REQUIRED FOOD LABELING COMPONENTS LABEL EXAMPLE**

Labels must comply with all applicable state and federal regulations. Labeling regulations applied to a home bakery are the same as those applied to other food processors. All information on the label must be truthful and not misleading. This label example is just one way to present the required information. **Foods cannot be made with partially hydrogenated oils.**

**Ingredient List** – Ingredients shall be listed by common or usual name in descending order of predominance by weight. Meaning, the ingredient that weighs the most is listed first, followed by the next heaviest ingredient, with the ingredient that weighs the least listed last. Any ingredient that is composed of two or more ingredients (sub-ingredients) must list those sub-ingredients parenthetically following the name of the ingredient. The label of any food that contains an ingredient that is or contains a protein from a “major food allergen” shall declare the presence of the allergen by its common or usual name either in the list of ingredients or placing the word “Contains” followed by the name of the food source from which the allergen is derived immediately after or adjacent to the list of ingredients (e.g. Contains: milk, eggs, wheat, soy).

Ref: CFR 21, Part 101.4; FALCPA – Public Law 108-282, Title 2

**Statement of Identity** – The Statement of Identity is the name of the food. The name shall be the common or usual name of the food and shall accurately identify or describe the basic nature of the food or its characterizing properties or ingredients. Foods that have a Standard of Identity must conform to all requirements of the standard

Ref: CFR 21, Part 101.3

**Buttermilk Pie**

INGREDIENTS: FILLING: BUTTERMILK (CULTURED PASTEURIZED SKIM MILK AND MILK, SODIUM CITRATE AND SALT), SUGAR, BUTTER (CREAM (MILK)), MOLASSES, EGG, EGG YOLK, CORNMEAL, CORNSTARCH, SALT, NATURAL FLAVOR. CRUST: ENRICHED FLOUR (BLEACHED WHEAT FLOUR, MALTED BARLEY FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), SUGAR, SALT, SOYBEAN OIL, BUTTER (CREAM (MILK)), WATER.

**MURRAY LINCOLN COOKIE CO.**  
280 N. HIGH ST. FLOOR 6,  
COLUMBUS, OHIO 43215

**BEST BY APR 14 2026**

**NET WT 8 OZ (227 g)**

**Keep Refrigerated**

**Statement of Responsibility** – Shall include the:

Business Name  
Street Address  
City, State, Zip Code

All information in the Statement of Responsibility shall be continuous. If the business name is listed in the local telephone directory, the street address may be omitted. If the business name is listed in the local telephone directory, a Post Office Box may be used in place of the street address.

Telephone numbers, website addresses, and e-mail addresses are permitted, but not required. This type of extra information shall not be placed between the Ingredient List and the Statement of Responsibility.

Ref: CFR 21, Part 101.5

**Net Quantity of Contents** – The term “NET WEIGHT” - or an appropriate abbreviation - shall be used when stating the Net Quantity of Contents in terms of weight. The Net Quantity of Contents shall be declared in both the U.S. Customary System and the SI (metric system). The second declaration shall be stated parenthetically.

The quantity of contents shall be placed on the principal display panel. It shall be within the bottom 30% of the area of the label panel in lines that are generally parallel to the bottom of the package as it is designed to be displayed.

Ref: CFR 21, Part 101.7  
Ref: FPLA, Title 15 – Chapter 39, 1453(a) (2)

**Perishable Food Sale and Date** - Home Bakery products that begin to diminish in quality in 30 days or less must be marked with a sale date that is easily understood by the consumer. The date indicates the period of peak quality. The period of peak quality is determined by the manufacturer. ORC 3715.171

**Keep Refrigerated** – ODA recommends any product requiring refrigeration for food safety or to maintain quality bear the declaration “Keep Refrigerated” or a similar declaration to that effect.

ODA – Ohio Department of Agriculture      CFR – Code of Federal Regulations  
ORC – Ohio Revised Code                      FPLA – Fair Packaging and Labeling Act  
FALCPA – Food Allergen Labeling and Consumer Protection Act

The principal display panel (PDP) is that portion of the package label that is most likely to be seen by the consumer at the time of purchase.

The 8 major food allergens are milk, eggs, tree nuts (e.g., almonds, walnuts, pecans), peanuts, wheat, soybeans, fish and Crustacean shellfish.



The manufacturer, processor, or packager is responsible for establishing the sale date of perishable food products.<sup>35</sup> ODA has the authority to establish a sale date for a product upon receiving a consumer complaint and conducting the proper investigation and hearing procedures.<sup>36</sup>

**Keep Refrigerated:** ODA recommends that any product requiring refrigeration for food safety or quality should be marked with the words “Keep Refrigerated” or something similar.

Informational panel labeling should be printed in a type size that is prominent, conspicuous and easy to read. Letters should be at minimum 1/16 inch in height and must not be more than three times high as they are wide. Wording colors must contrast with the background and not be crowded with artwork or other non-required labeling.<sup>37</sup> Artwork on labels is permissible as long as it does not hide or detract from the prominence of the required label statements or misrepresent the food.<sup>38</sup>

Bakery products that are sold directly to consumers or are manufactured by small businesses that have annual gross sales made or business done in sales to consumers that is not more than \$500,000 or has annual gross sales made or business done in sales of food to consumers of not more than \$50,000 are not required to include nutrition facts on the label.<sup>39</sup> However, if the label makes a nutrient content claim (i.e. low fat, low sodium, etc.) or a health claim (i.e. may reduce cholesterol, healthy) then the label must include a complete nutrition facts panel. Home bakery producers that wish to include nutrient

content claims should first research the minimum content levels required to make the claim as well as other labeling requirements related to the specific claim.

You can find more information about food labeling in the FDA’s food labeling guide online: [ofb.ag/foodlabelingguide](http://ofb.ag/foodlabelingguide)

### Sale

Home bakery items that are properly produced, packaged, and labeled may be sold from the bakery where the item was made. Bakery products may also be sold through grocery stores, convenience stores, farm markets, farmers markets, and other retail outlets such as grocery stores or restaurants. Keep in mind that retail outlets may be subject to additional regulations that they may require you to abide by in order to sell your bakery product in their establishment.

Home bakery items may be sold outside of the state of Ohio; however, items sold outside of Ohio will be subject to the licensing requirements and laws of the state in which it is sold. Anyone who wishes to sell their home bakery items in another state should first research that state’s rules and regulations.

### Home Bakery Contact Information

Ohio Department of Agriculture Division of Food Safety  
 Phone: (614) 728-6250  
 Email: [foodsafety@agri.ohio.gov](mailto:foodsafety@agri.ohio.gov)  
 Web: [ofb.ag/homebakerysafety](http://ofb.ag/homebakerysafety)

35 OAC 901:3-57-03

36 ORC 3715.171(A)

37 21 CFR 101.2(c) & (f)

38 21 CFR 1.21(a)(1), 21 CFR 101.3(a), 21 CFR 101.105(h)

39 21 CFR 101.9(j)(3), 21 CFR 101.9(j)(1)



## Starting from Scratch

- step 1** Pick a bakery item you would like to sell and double.
- step 2** Ensure you have a legally compliant home kitchen with proper equipment where you can make your bakery product.
- step 3** Know your registration requirements. Home bakeries must register with ODA Division of Food Safety and submit to a home kitchen inspection and ODA sampling authority.
- step 4** Properly package your product in sanitary conditions.
- step 5** Create and properly place your legally compliant label, including perishable food sale date, refrigeration notice and nutritional information when required.
- step 6** Decide where you would like to sell your product and conduct additional research for out of state sales.