



BAKED, NON-REFRIGERATED · FOOD 14 OF 42

Can I sell / buttercream icing?

A 51-jurisdiction guide for cottage food producers, with the sanitation reasoning behind every yes, no, and conditional.

Buttercream icing sits in the middle band of cottage food law — allowed in 39 jurisdictions, conditional in 0, and prohibited in 12. This report explains each verdict and the food-safety reasoning behind it.

JURISDICTIONS	ALLOWED	CONDITIONAL	NOT ALLOWED
51	39	0	12

This report summarizes cottage food statutes as of publication. State laws change; always confirm with your state agriculture or health department before selling. Not legal advice.

BAKED, NON-REFRIGERATED

The verdict, in one page

39

ALLOWED

Fits under standard cottage food law without extra permits.

0

CONDITIONAL

Allowed with pH log, license, informed-consumer notice, or approved recipe.

12

NOT ALLOWED

Requires a licensed commercial kitchen or is prohibited outright.

WHY THE FOOD SAFETY RULES MATTER

WHY IT'S ALLOWED (OR RESTRICTED)

Baked goods reach $\geq 190^{\circ}\text{F}$ internal temperature during baking, which destroys vegetative pathogens (Salmonella, E. coli, Listeria). Once cooled, water activity (aw) sits below 0.85 for cookies/breads, which prevents bacterial growth without refrigeration. This is the safest food class for a home kitchen because there's no cold-chain risk and no acidification step to get wrong.

SANITATION RISKS TO KNOW

Cross-contamination from raw eggs used in dough (wash hands, use pasteurized eggs for anything not fully cooked), and allergen labeling (wheat, egg, milk, tree nut, soy).

WHERE YOU CAN SELL — ALL 51 JURISDICTIONS

STATE	VERDICT	RULE TIER & CAP	NOTES
Alaska	YES	Cap: None; Registration: Yes	Alaska cottage food provisions permit shelf-stable buttercream on baked goods. (AS 17.20.332)
Alabama	YES	Cap: None; Registration: Yes	Alabama cottage food law permits shelf-stable buttercream on baked goods. (Ala. Code §22-20-5.1)
Arkansas	YES	Cap: None	Arkansas Food Freedom Act (Act 1040) permits shelf-stable buttercream on baked goods DTC. (A.C.A. §20-57-201 (Act 1040 of 2021))
Arizona	YES	Cap: None; Registration: Yes	Arizona Home Baked Goods program allows buttercream made from butter and powdered sugar; egg-based buttercreams (Swiss/Italian) require testing. (A.R.S. §36-931 / §36-932)
California	YES	Cap: Tiered (see notes); Registration: Yes	California CFO list permits buttercream frosting made without eggs, cream, or cream cheese. Cream cheese frosting remains prohibited. (Cal. Health & Safety Code §113758)
Colorado	NO	Cap: Tiered (see notes); Registration: Yes	Colorado Cottage Foods Act prohibits buttercream frosting unless made with ghee or vegetable oil. Cream cheese frosting also prohibited. (C.R.S. §25-4-1614)

STATE	VERDICT	RULE TIER & CAP	NOTES
Connecticut	NO	Cap: 50000; Registration: Yes	Connecticut DCP: buttercream is not allowed unless the recipe uses only shelf-stable ingredients (shortening + sugar + commercial meringue powder) or the finished product is lab-tested. (Conn. Gen. Stat. §21a-62a)
District of Columbia	YES	Cap: None; Registration: Yes	D.C. cottage food law permits shelf-stable buttercream on baked goods. (D.C. Code §7-742.02)
Delaware	YES	Cap: None; Registration: Yes	Delaware cottage food regulations permit shelf-stable buttercream frosting on baked goods. (16 Del. Admin. Code 4458A)
Florida	NO	Cap: 250000	Florida prohibits buttercream made with real butter as a TCS food (FDACS Cottage Food Operations FAQ). Only shortening / vegetable-oil frostings are permitted. Cream cheese frosting also prohibited. (Fla. Stat. §500.80)
Georgia	YES	Cap: None	Georgia cottage food license permits shelf-stable buttercream on baked goods. (O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19)
Hawaii	NO	Cap: None	Hawaii home-based bakery rules require frostings to be shelf-stable; butter-based buttercream is not explicitly approved. (HAR §11-50-3)
Iowa	YES	Cap: None	Iowa Home Food Processing Establishment rules allow buttercream on baked goods when shelf-stable. (Iowa Code §137F.1 / §137F.20)
Idaho	YES	Cap: None	Idaho cottage food provisions permit shelf-stable buttercream on baked goods. (IDAPA 16.02.19 (Idaho Food Code, cottage food provisions))
Illinois	YES	Cap: None; Registration: Yes	Illinois Home-to-Market Act explicitly permits buttercream frosting. Frostings must not contain raw eggs (meringue powder is allowed). (410 ILCS 625/4 (Food Handling Regulation Enforcement Act, §4))
Indiana	YES	Cap: None	Indiana Home-Based Vendor law permits shelf-stable buttercream frosting on baked goods. (Ind. Code §16-42-5.2)
Kansas	YES	Cap: None	Kansas cottage food law permits shelf-stable buttercream on baked goods (Kansas has state-tested buttercream recipes on record). (K.S.A. §65-657)
Kentucky	YES	Cap: 60000; Registration: Yes	Kentucky home-based processor law permits shelf-stable buttercream on baked goods. (KRS §217.137)
Louisiana	YES	Cap: 30000	Louisiana cottage food law permits shelf-stable buttercream on baked goods; cream cheese remains excluded. (La. R.S. §40:4.13)
Massachusetts	YES	Cap: None; Registration: Yes	Massachusetts residential kitchen permits shelf-stable buttercream on baked goods; egg-based buttercreams (Swiss/Italian) require review. (105 CMR 590.009(D))
Maryland	NO	Cap: 50000; Registration: Depends	Maryland prohibits butter-based buttercream unless the recipe is lab-tested and water activity is documented at 0.85 or below. (MD COMAR 10.15.03.27)

STATE	VERDICT	RULE TIER & CAP	NOTES
Maine	YES	Cap: None; Registration: Yes	Maine Food Sovereignty Act permits buttercream frosting DTC in participating municipalities. (7 M.R.S.A. §282 (Food Sovereignty Act))
Michigan	NO	Cap: 50000	Michigan permits only two specific buttercream recipes published in the state's approved recipe book. Other buttercreams and cream cheese frostings are prohibited. (MCL §289.4102)
Minnesota	NO	Cap: 78000; Registration: Yes	Minnesota cottage food producer registration excludes butter-based buttercream unless lab-tested for water activity. (Minn. Stat. §28A.152)
Missouri	YES	Cap: None	Missouri cottage food law permits shelf-stable buttercream on baked goods. (Mo. Rev. Stat. §196.298)
Mississippi	YES	Cap: 35000	Mississippi cottage food law permits shelf-stable buttercream on baked goods. (Miss. Code Ann. §75-29-951)
Montana	YES	Cap: None; Registration: Yes	Montana Local Food Choice Act permits buttercream frosting DTC with disclosure. (Mont. Code §50-50-116 and §50-50-117 (cottage food); Mont. Code §§50-49-201 et seq. (Local Food Choice Act))
North Carolina	YES	Cap: None; Registration: Yes	North Carolina cottage food regulations permit shelf-stable buttercream icing on baked goods. (02 NCAC 9C.0307)
North Dakota	YES	Cap: None	North Dakota Food Freedom Act permits buttercream frosting DTC with informed-consumer notice. (N.D. Cent. Code §23-09.5-01 through §23-09.5-02)
Nebraska	YES	Cap: None; Registration: Yes	Nebraska cottage food law permits shelf-stable buttercream on baked goods. (Neb. Rev. Stat. §81-2,280 (producer of food at private home); §81-2,239 et seq. (Nebraska Pure Food Act))
New Hampshire	YES	Cap: Tiered; Registration: Depends	New Hampshire homestead food operation allows buttercream frosting on baked goods when shelf-stable. (RSA §143-A:12)
New Jersey	NO	Cap: 50000; Registration: Yes	New Jersey Department of Health explicitly prohibits butter-based buttercream, French/German/Swiss buttercream, cream cheese, meringue, whipped cream, and ganache frostings. (N.J.A.C. 8:24-11 et seq.)
New Mexico	YES	Cap: None	New Mexico Homemade Food Act permits shelf-stable buttercream on baked goods. (NMSA §25-12-3 (Homemade Food Act))
Nevada	YES	Cap: 35000; Registration: Yes	Nevada cottage food law permits shelf-stable buttercream on baked goods. (NRS §446.866 (repealed 2025; superseded by AB352/ chapter 420 & 512, Statutes of Nevada 2025))
New York	NO	Cap: None; Registration: Yes	New York cottage food law prohibits buttercream on cottage baked goods. A 20-C Home Processor license and process approval is required for butter-based frostings. (N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4)
Ohio	YES	Cap: None	

STATE	VERDICT	RULE TIER & CAP	NOTES
			Ohio Department of Agriculture confirms buttercream is allowed on baked cottage foods when made without perishable dairy fillings. (O.R.C. §3715.023; §3715.025; Ohio Admin. Code Ch. 901:3-20)
Oklahoma	YES	Cap: 75000	Oklahoma Homemade Food Freedom Act permits buttercream frosting DTC. (2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act))
Oregon	YES	Cap: 50000; Registration: Depends	Oregon domestic kitchen permits shelf-stable buttercream frosting on baked goods. (ORS §616.723)
Pennsylvania	YES	Cap: None; Registration: Yes	Pennsylvania Limited Food Establishment allows buttercream on baked goods; cream cheese and whipped cream frostings excluded. (3 Pa.C.S. §§5721-5737)
Rhode Island	NO	Cap: 50000; Registration: Yes	Rhode Island cottage food regulations exclude butter-based frostings unless lab-tested as non-potentially hazardous. (R.I. Gen. Laws §21-27-6.2)
South Carolina	YES	Cap: None	South Carolina allows buttercream frosting on cottage baked goods; not cream cheese or whipped cream frostings. (S.C. Code §44-1-145)
South Dakota	YES	Cap: None	South Dakota cottage food law permits shelf-stable buttercream on baked goods. (SDCL §34-18-35)
Tennessee	YES	Cap: None	Tennessee Food Freedom Act permits buttercream frosting DTC. (Tenn. Code §53-1-125 (Food Freedom Act))
Texas	YES	Cap: 150000	Texas explicitly allows buttercream icing on cottage baked goods (butter + powdered sugar, no cream/eggs). Non-TCS shelf-stable frostings are permitted. (Tex. Health & Safety §437.001 et seq.)
Utah	YES	Cap: None; Registration: Yes	Utah HB94 Homemade Food Act permits buttercream frosting DTC with disclosure. (Utah Code §4-5-501)
Virginia	YES	Cap: Tiered	Virginia home food processor exemption permits shelf-stable buttercream. VDACS treats butter + powdered sugar frostings as non-TCS. (Va. Code §3.2-5130)
Vermont	NO	Cap: 30000; Registration: Yes	Vermont cottage food exemption excludes butter-based buttercream unless finished product is documented as non-potentially hazardous. (18 V.S.A. §4351; Act 42 (2025) cottage food operator exemption)
Washington	NO	Cap: None; Registration: Yes	Washington requires a 3:1 non-perishable to perishable ingredient ratio in frostings. Butter-based buttercream typically fails this test; only shortening + sugar frostings meet the rule. (RCW §69.22.010-.040)
Wisconsin	YES	Cap: Tiered	Wisconsin cottage food law permits shelf-stable buttercream on baked goods. (Wis. Stat. §97.29)
West Virginia	YES	Cap: None; Registration: Depends	West Virginia cottage food law (2026) permits shelf-stable buttercream on baked goods. (W. Va. Code §19-40-1 through

STATE	VERDICT	RULE TIER & CAP	NOTES
			§19-40-6 (Article 40, Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets))
Wyoming	YES	Cap: None	Wyoming Food Freedom Act permits buttercream frosting DTC with informed-consumer disclosure. (Wyo. Stat. §11-49-101 through §11-49-104 (Wyoming Food Freedom Act))

Full statute citations, effective dates, and links to each state's cottage food agency are in the master **Can I Sell This? Cottage Food Rulebook** — 42 foods × 51 jurisdictions in one document. Read it at crosodo.com/reports/can-i-sell-rulebook.pdf.