



BAKED, NON-REFRIGERATED · FOOD 3 OF 42

Can I sell / cake with buttercream?

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

Cake with buttercream is one of the most universally allowed cottage foods in the US — permitted in all 51 jurisdictions we cover. This report shows the specific statute, sales cap, and registration rule for each state.

JURISDICTIONS	ALLOWED	CONDITIONAL	NOT ALLOWED
51	51	0	0

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

51

ALLOWED

Fits under standard cottage food law without extra permits.

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CONDITIONAL

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

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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	Baked, non-refrigerated goods are the core of every state cottage food law. (AS 17.20.332)
Alabama	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (Ala. Code §22-20-5.1)
Arkansas	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (A.C.A. §20-57-201 (Act 1040 of 2021))
Arizona	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (A.R.S. §36-931 / §36-932)
California	YES	Cap: Tiered (see notes); Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (Cal. Health & Safety Code §113758)
Colorado	YES	Cap: Tiered (see notes); Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (C.R.S. §25-4-1614)
Connecticut	YES		

STATE	VERDICT	RULE TIER & CAP	NOTES
		Cap: 50000; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (Conn. Gen. Stat. §21a-62a)
District of Columbia	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (D.C. Code §7-742.02)
Delaware	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (16 Del. Admin. Code 4458A)
Florida	YES	Cap: 250000	Baked, non-refrigerated goods are the core of every state cottage food law. (Fla. Stat. §500.80)
Georgia	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19)
Hawaii	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (HAR §11-50-3)
Iowa	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (Iowa Code §137F.1 / §137F.20)
Idaho	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (IDAPA 16.02.19 (Idaho Food Code, cottage food provisions))
Illinois	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (410 ILCS 625/4 (Food Handling Regulation Enforcement Act, §4))
Indiana	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (Ind. Code §16-42-5.2)
Kansas	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (K.S.A. §65-657)
Kentucky	YES	Cap: 60000; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (KRS §217.137)
Louisiana	YES	Cap: 30000	Baked, non-refrigerated goods are the core of every state cottage food law. (La. R.S. §40:4.13)
Massachusetts	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (105 CMR 590.009(D))
Maryland	YES	Cap: 50000; Registration: Depends	Baked, non-refrigerated goods are the core of every state cottage food law. (MD COMAR 10.15.03.27)
Maine	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (7 M.R.S.A. §282 (Food Sovereignty Act))
Michigan	YES	Cap: 50000	Baked, non-refrigerated goods are the core of every state cottage food law. (MCL §289.4102)
Minnesota	YES	Cap: 78000; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (Minn. Stat. §28A.152)

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Missouri	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (Mo. Rev. Stat. §196.298)
Mississippi	YES	Cap: 35000	Baked, non-refrigerated goods are the core of every state cottage food law. (Miss. Code Ann. §75-29-951)
Montana	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (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	Baked, non-refrigerated goods are the core of every state cottage food law. (02 NCAC 9C.0307)
North Dakota	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (N.D. Cent. Code §23-09.5-01 through §23-09.5-02)
Nebraska	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (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	Baked, non-refrigerated goods are the core of every state cottage food law. (RSA §143-A:12)
New Jersey	YES	Cap: 50000; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (N.J.A.C. 8:24-11 et seq.)
New Mexico	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (NMSA §25-12-3 (Homemade Food Act))
Nevada	YES	Cap: 35000; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (NRS §446.866 (repealed 2025; superseded by AB352/ chapter 420 & 512, Statutes of Nevada 2025))
New York	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4)
Ohio	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (O.R.C. §3715.023; §3715.025; Ohio Admin. Code Ch. 901:3-20)
Oklahoma	YES	Cap: 75000	Baked, non-refrigerated goods are the core of every state cottage food law. (2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act))
Oregon	YES	Cap: 50000; Registration: Depends	Baked, non-refrigerated goods are the core of every state cottage food law. (ORS §616.723)
Pennsylvania	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (3 Pa.C.S. §§5721-5737)
Rhode Island	YES	Cap: 50000; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (R.I. Gen. Laws §21-27-6.2)
South Carolina	YES	Cap: None	

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			Baked, non-refrigerated goods are the core of every state cottage food law. (S.C. Code §44-1-145)
South Dakota	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (SDCL §34-18-35)
Tennessee	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (Tenn. Code §53-1-125 (Food Freedom Act))
Texas	YES	Cap: 150000	Baked, non-refrigerated goods are the core of every state cottage food law. (Tex. Health & Safety §437.001 et seq.)
Utah	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (Utah Code §4-5-501)
Virginia	YES	Cap: Tiered	Baked, non-refrigerated goods are the core of every state cottage food law. (Va. Code §3.2-5130)
Vermont	YES	Cap: 30000; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (18 V.S.A. §4351; Act 42 (2025) cottage food operator exemption)
Washington	YES	Cap: None; Registration: Yes	Baked, non-refrigerated goods are the core of every state cottage food law. (RCW §69.22.010-.040)
Wisconsin	YES	Cap: Tiered	Baked, non-refrigerated goods are the core of every state cottage food law. (Wis. Stat. §97.29)
West Virginia	YES	Cap: None; Registration: Depends	Baked, non-refrigerated goods are the core of every state cottage food law. (W. Va. Code §19-40-1 through §19-40-6 (Article 40, Cottage Foods, enacted 2026); §19-35-6 (Nonpotentially hazardous foods at farmers markets))
Wyoming	YES	Cap: None	Baked, non-refrigerated goods are the core of every state cottage food law. (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.