SHELF-STABLE PANTRY · FOOD 22 OF 43

Can I sell / cotton candy?

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

Cotton candy sits in the middle band of cottage food law — allowed in 46 jurisdictions, conditional in 2, and prohibited in 3. This report explains each verdict and the food-safety reasoning behind it.

JURISDICTIONS	ALLOWED	CONDITIONAL	NOT ALLOWED
51	46	2	3

> 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.

SHELF-STABLE PANTRY

The verdict, in one page

46
ALLOWED
Fits under standard cottage food law without extra permits.

2
CONDITIONAL
Allowed with pH log, license, informed-consumer notice, or approved recipe.

3
NOT ALLOWED
Requires a licensed commercial kitchen or is prohibited outright.

WHY THE FOOD SAFETY RULES MATTER

WHY IT'S ALLOWED (OR RESTRICTED)

Low water activity (aw < 0.85) or high sugar concentration (> 65% by weight) prevents microbial growth. Honey, chocolate, roasted nuts, and dry mixes are inherently self-preserving. No refrigeration or pH control needed.

SANITATION RISKS TO KNOW

Moisture ingress if poorly packaged (mold on granola, staleness). Cross-contamination in a home kitchen shared with fresh produce. Allergen labeling for tree nuts / peanuts / soy.

WHERE YOU CAN SELL — ALL 51 JURISDICTIONS

STATE	VERDICT	RULE TIER & CAP	NOTES
Alaska	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (AS 17.20.332)
Alabama	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Ala. Code §22-20-5.1)
Arkansas	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (A.C.A. §20-57-201 (Act 1040 of 2021))
Arizona	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (A.R.S. §36-931 / §36-932)
California	YES	Cap: Tiered (see notes); Registration: County EH — not CDPH	CDPH Approved Cottage Foods List (Oct 2026), Candy and Confections, lists cotton candy. Class A (direct only) or Class B (direct + indirect) through county environmental health; 2026 CPI-adjusted caps $88,878 / $177,756. (Cal. Health & Safety Code §113758)
Colorado	YES	Cap: Tiered (see notes); Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (C.R.S. §25-4-1614)
Connecticut	YES	Cap: 50000; Registration: Yes	Connecticut DCP generally-permissible list includes popcorn / popcorn balls / cotton candy. (Conn. Gen. Stat. §21a-62a)

STATE	VERDICT	RULE TIER & CAP	NOTES
District of Columbia	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (D.C. Code §7-742.02)
Delaware	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (16 Del. Admin. Code 4458A)
Florida	YES	Cap: 250000	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Fla. Stat. §500.80)
Georgia	YES	Cap: None	Ga. Comp. R. & Regs. 40-7-19-.05 lists popcorn, popcorn balls, and cotton candy. Sources differ on post-HB 398 (July 2025) registration/licensing — confirm with the Georgia Dept. of Agriculture. (O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19)
Hawaii	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (HAR §11-50-3)
Iowa	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Iowa Code §137F.1 / §137F.20)
Idaho	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (IDAPA 16.02.19 (Idaho Food Code, cottage food provisions))
Illinois	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (410 ILCS 625/4 (Food Handling Regulation Enforcement Act, §4))
Indiana	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Ind. Code §16-42-5.2)
Kansas	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (K.S.A. §65-657)
Kentucky	YES	Cap: 60000; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (KRS §217.137)
Louisiana	YES	Cap: 100000	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (La. R.S. §40:4.13)
Massachusetts	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (105 CMR 590.009(D))
Maryland	YES	Cap: 100000; Registration: Depends	MDH Cottage Food Guidelines list cotton candy as an allowable snack ('popcorn/kettle corn, popcorn balls, nuts and cotton candy'). Soft candies such as caramel and fudge remain prohibited — cotton candy is listed separately from them. (MD COMAR 10.15.03.27)
Maine	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (7 M.R.S.A. §282 (Food Sovereignty Act))
Michigan	YES	Cap: 50000	MDARD 'What Can I Make' lists Cotton Candy under Confections and candies (made without alcohol). (MCL §289.4102)

STATE	VERDICT	RULE TIER & CAP	NOTES
Minnesota	YES	Cap: 78000; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Minn. Stat. §28A.152)
Missouri	NO	Cap: None	Cotton candy is explicitly listed as prohibited under the statewide cottage statute, Mo. Rev. Stat. § 196.298. A separate individual-stands law in certain counties allows most nonperishable foods at events, farmers markets and roadside stands — check the county before relying on it. (Mo. Rev. Stat. §196.298)
Mississippi	YES	Cap: 35000	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Miss. Code Ann. §75-29-951)
Montana	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (02 NCAC 9C.0307)
North Dakota	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (N.D. Cent. Code §23-09.5-01 through §23-09.5-02)
Nebraska	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (RSA §143-A:12)
New Jersey	YES	Cap: 50000; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (N.J.A.C. 8:24-11 et seq.)
New Mexico	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (NMSA §25-12-3 (Homemade Food Act))
Nevada	YES	Cap: 100000; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (NRS §446.866 (repealed 2025; superseded by AB352/chapter 420 & 512, Statutes of Nevada 2025))
New York	CONDITIONAL	Cap: None; Registration: Yes	New York's Home Processor list includes candy (excluding chocolate) but does not name cotton candy, and Crosodo's dataset summarises New York as baked / kill-step products. Confirm with NYS Ag & Markets before selling. (N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4)
Ohio	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (O.R.C. §3715.023; §3715.025; Ohio Admin. Code Ch. 901:3-20)
Oklahoma	YES	Cap: 75000	

STATE	VERDICT	RULE TIER & CAP	NOTES
			Shelf-stable, low-moisture foods qualify under most state cottage food laws. (2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act))
Oregon	YES	Cap: 50000; Registration: Depends	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (ORS §616.723)
Pennsylvania	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (3 Pa.C.S. §§5721–5737)
Rhode Island	NO	Cap: 50000; Registration: Yes	Rhode Island cottage manufacture (R.I. Gen. Laws § 21-27-6.2) is limited to non-refrigerated baked goods only. Cotton candy is not baked. The farm home food manufacture statute covers candies but only for farms; otherwise a food processor licence is required. (R.I. Gen. Laws §21-27-6.2)
South Carolina	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (S.C. Code §44-1-145)
South Dakota	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (SDCL §34-18-35)
Tennessee	YES	Cap: None	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Tenn. Code §53-1-125 (Food Freedom Act))
Texas	YES	Cap: 150000	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Tex. Health & Safety §437.001 et seq.)
Utah	YES	Cap: None; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Utah Code §4-5-501)
Virginia	YES	Cap: Tiered	Virginia's VDACS Home Food Processing Exemptions FAQ (rev. July 2026) lists cotton candy under the low-risk foods in Va. Code § 3.2-5130(C)(3). No permit, inspection or fee under the exemption; no sales cap for low-risk foods. Direct to a Virginia individual for their own consumption only — online/phone and in-state mail/delivery since HB 402 (July 1, 2026). No resale, consignment, retail use, or out-of-state sales. (Va. Code §3.2-5130 (HB 402 / 2026 c. 605))
Vermont	YES	Cap: 30000; Registration: Yes	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (18 V.S.A. §4351; Act 42 (2025) cottage food operator exemption)
Washington	CONDITIONAL	Cap: None; Registration: Yes	WSDA cottage categories are baked goods and baked / stovetop candies; cotton candy is not named there. A separate event route, WAC 246-215-08305, lists cotton candy as exempt-from-permit food at events. Confirm which route covers prepackaged home sales. (RCW §69.22.010–.040)
Wisconsin	NO	Cap: Tiered	Wisconsin's Kivirist cottage food exception is baked-goods-only. Non-baked candies including cotton candy are not covered (2024 Court of Appeals ruling) and require a licensed food processing plant. (Wis. Stat. §97.29)

STATE	VERDICT	RULE TIER & CAP	NOTES
West Virginia	YES	Cap: None; Registration: Depends	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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	Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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** — 43 foods × 51 jurisdictions in one document. Read it at crosodo.com/reports/can-i-sell-rulebook.pdf.