



TCS (TIME/TEMPERATURE-CONTROLLED) · FOOD 38 OF 42

# Can I sell / custard?

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

Custard is restricted in most US jurisdictions — allowed under cottage food law in only 0 of 51 places, and even then usually with additional licensing. This report shows exactly where and how.

JURISDICTIONS	ALLOWED	CONDITIONAL	NOT ALLOWED
51	0	0	51

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.

TCS (TIME/TEMPERATURE-CONTROLLED)

# The verdict, in one page

**0**  
**ALLOWED**  
 Fits under standard cottage food law without extra permits.

**0**  
**CONDITIONAL**  
 Allowed with pH log, license, informed-consumer notice, or approved recipe.

**51**  
**NOT ALLOWED**  
 Requires a licensed commercial kitchen or is prohibited outright.

## WHY THE FOOD SAFETY RULES MATTER

**WHY IT'S ALLOWED (OR RESTRICTED)**  
 TCS = 'time/temperature control for safety'. These foods (dairy fillings, cream, custard, cream cheese frosting, moist meat products) support rapid pathogen growth between 41°F and 135°F. Any home kitchen without a commercial walk-in and documented cooling logs will fail a safety audit.

**SANITATION RISKS TO KNOW**  
 Salmonella and Listeria proliferation. Even a 2-hour delivery window in a warm car crosses the 'danger zone' threshold. This is why states restrict TCS to permitted commercial kitchens with temperature logs and health inspections.

## WHERE YOU CAN SELL — ALL 51 JURISDICTIONS

STATE	VERDICT	RULE TIER & CAP	NOTES
Alaska	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (AS 17.20.332)
Alabama	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Ala. Code §22-20-5.1)
Arkansas	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (A.C.A. §20-57-201 (Act 1040 of 2021))
Arizona	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (A.R.S. §36-931 / §36-932)
California	NO	Cap: Tiered (see notes); Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Cal. Health & Safety Code §113758)
Colorado	NO	Cap: Tiered (see notes); Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (C.R.S. §25-4-1614)
Connecticut	NO	Cap: 50000; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Conn. Gen. Stat. §21a-62a)
	NO		

STATE	VERDICT	RULE TIER & CAP	NOTES
District of Columbia		Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (D.C. Code §7-742.02)
Delaware	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (16 Del. Admin. Code 4458A)
Florida	NO	Cap: 250000	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Fla. Stat. §500.80)
Georgia	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19)
Hawaii	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (HAR §11-50-3)
Iowa	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Iowa Code §137F.1 / §137F.20)
Idaho	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (IDAPA 16.02.19 (Idaho Food Code, cottage food provisions))
Illinois	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (410 ILCS 625/4 (Food Handling Regulation Enforcement Act, §4))
Indiana	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Ind. Code §16-42-5.2)
Kansas	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (K.S.A. §65-657)
Kentucky	NO	Cap: 60000; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (KRS §217.137)
Louisiana	NO	Cap: 30000	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (La. R.S. §40:4.13)
Massachusetts	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (105 CMR 590.009(D))
Maryland	NO	Cap: 50000; Registration: Depends	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (MD COMAR 10.15.03.27)
Maine	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (7 M.R.S.A. §282 (Food Sovereignty Act))
Michigan	NO	Cap: 50000	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (MCL §289.4102)
Minnesota	NO	Cap: 78000; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Minn. Stat. §28A.152)
Missouri	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Mo. Rev. Stat. §196.298)

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Mississippi	NO	Cap: 35000	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Miss. Code Ann. §75-29-951)
Montana	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Mont. Code §50-50-116 and §50-50-117 (cottage food); Mont. Code §§50-49-201 et seq. (Local Food Choice Act))
North Carolina	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (02 NCAC 9C.0307)
North Dakota	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (N.D. Cent. Code §23-09.5-01 through §23-09.5-02)
Nebraska	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Neb. Rev. Stat. §81-2,280 (producer of food at private home); §81-2,239 et seq. (Nebraska Pure Food Act))
New Hampshire	NO	Cap: Tiered; Registration: Depends	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (RSA §143-A:12)
New Jersey	NO	Cap: 50000; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (N.J.A.C. 8:24-11 et seq.)
New Mexico	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (NMSA §25-12-3 (Homemade Food Act))
Nevada	NO	Cap: 35000; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (NRS §446.866 (repealed 2025; superseded by AB352/chapter 420 & 512, Statutes of Nevada 2025))
New York	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4)
Ohio	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (O.R.C. §3715.023; §3715.025; Ohio Admin. Code Ch. 901:3-20)
Oklahoma	NO	Cap: 75000	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act))
Oregon	NO	Cap: 50000; Registration: Depends	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (ORS §616.723)
Pennsylvania	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (3 Pa.C.S. §§5721-5737)
Rhode Island	NO	Cap: 50000; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (R.I. Gen. Laws §21-27-6.2)
South Carolina	NO	Cap: None	

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			TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (S.C. Code §44-1-145)
South Dakota	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (SDCL §34-18-35)
Tennessee	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Tenn. Code §53-1-125 (Food Freedom Act))
Texas	NO	Cap: 150000	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Tex. Health & Safety §437.001 et seq.)
Utah	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Utah Code §4-5-501)
Virginia	NO	Cap: Tiered	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Va. Code §3.2-5130)
Vermont	NO	Cap: 30000; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (18 V.S.A. §4351; Act 42 (2025) cottage food operator exemption)
Washington	NO	Cap: None; Registration: Yes	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (RCW §69.22.010-.040)
Wisconsin	NO	Cap: Tiered	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (Wis. Stat. §97.29)
West Virginia	NO	Cap: None; Registration: Depends	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (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	NO	Cap: None	TCS food. Most states prohibit cottage sale; licensed commercial kitchen usually required. (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](https://crosodo.com/reports/can-i-sell-rulebook.pdf).