



SHELF-STABLE PANTRY · FOOD 17 OF 42

Can I sell / fudge?

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

Fudge sits in the middle band of cottage food law — allowed in 49 jurisdictions, conditional in 0, and prohibited in 2. This report explains each verdict and the food-safety reasoning behind it.

| JURISDICTIONS | ALLOWED | CONDITIONAL | NOT ALLOWED |
|---------------|---------|-------------|-------------|
| 51 | 49 | 0 | 2 |

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

49

ALLOWED

Fits under standard cottage food law without extra permits.

0

CONDITIONAL

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

2

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: Yes | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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 | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Conn. Gen. Stat. §21a-62a) |
| 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) |

| STATE | VERDICT | RULE TIER & CAP | NOTES |
|---------------|---------|---|---|
| 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 | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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: 30000 | 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 | NO | Cap: 50000; Registration: Depends | Maryland Department of Health cottage food regulations explicitly list 'homemade fudge' as a prohibited soft candy. Only hard candy and brittles are allowed under the cottage food exemption. (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 | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (MCL §289.4102) |
| Minnesota | YES | Cap: 78000; Registration: Yes | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Minn. Stat. §28A.152) |
| Missouri | YES | Cap: None | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Mo. Rev. Stat. §196.298) |

| STATE | VERDICT | RULE TIER & CAP | NOTES |
|----------------|---------|--|--|
| 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: 35000; 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 | YES | Cap: None; Registration: Yes | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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 | 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 | YES | Cap: 50000; Registration: Yes | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (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 | |

| STATE | VERDICT | RULE TIER & CAP | NOTES |
|---------------|---------|--|---|
| | | | 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 | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (Va. Code §3.2-5130) |
| 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 | YES | Cap: None; Registration: Yes | Shelf-stable, low-moisture foods qualify under most state cottage food laws. (RCW §69.22.010-.040) |
| Wisconsin | NO | Cap: Tiered | Wisconsin's cottage food exception (created by the Kivirist court decisions) is limited to non-hazardous BAKED goods only. Non-baked confections — including fudge — require a Wisconsin food processing plant license. (Wis. Stat. §97.29) |
| 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** — 42 foods × 51 jurisdictions in one document. Read it at crosodo.com/reports/can-i-sell-rulebook.pdf.