



ACIDIFIED / FERMENTED · FOOD 33 OF 42

Can I sell / infused oils?

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

Infused oils is restricted in most US jurisdictions — allowed under cottage food law in only 1 of 51 places, and even then usually with additional licensing. This report shows exactly where and how.

JURISDICTIONS	ALLOWED	CONDITIONAL	NOT ALLOWED
51	0	1	50

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.

ACIDIFIED / FERMENTED

The verdict, in one page

<p style="font-size: 2em; font-weight: bold; color: #2e7d32;">0</p> <p>ALLOWED</p> <p>Fits under standard cottage food law without extra permits.</p>	<p style="font-size: 2em; font-weight: bold; color: #c0392b;">1</p> <p>CONDITIONAL</p> <p>Allowed with pH log, license, informed-consumer notice, or approved recipe.</p>	<p style="font-size: 2em; font-weight: bold; color: #c0392b;">50</p> <p>NOT ALLOWED</p> <p>Requires a licensed commercial kitchen or is prohibited outright.</p>
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WHY THE FOOD SAFETY RULES MATTER

<p>WHY IT'S ALLOWED (OR RESTRICTED)</p> <p>Acidified foods (pH ≤ 4.6) inhibit Clostridium botulinum — the highest-risk pathogen for home preserving. Documented pH via calibrated meter (not pH strips) is the standard proof of safety.</p>	<p>SANITATION RISKS TO KNOW</p> <p>Botulism if pH drifts above 4.6. Fresh chile / garlic infusions in oil are prohibited almost everywhere because they can support botulism growth. Many states require a process authority (usually a state university food-science lab) to review the recipe.</p>
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WHERE YOU CAN SELL — ALL 51 JURISDICTIONS

STATE	VERDICT	RULE TIER & CAP	NOTES
Alaska	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (AS 17.20.332)
Alabama	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Ala. Code §22-20-5.1)
Arkansas	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (A.C.A. §20-57-201 (Act 1040 of 2021))

Arizona

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	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (A.R.S. §36-931 / §36-932)
California	NO	Cap: Tiered (see notes); Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Cal. Health & Safety Code §113758)
Colorado	NO	Cap: Tiered (see notes); Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (C.R.S. §25-4-1614)
Connecticut	NO	Cap: 50000; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Conn. Gen. Stat. §21a-62a)
District of Columbia	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (D.C. Code §7-742.02)
Delaware	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (16 Del. Admin. Code 4458A)
Florida	NO	Cap: 250000	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a

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			handful of states with a process authority letter. (Fla. Stat. §500.80)
Georgia	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19)
Hawaii	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (HAR §11-50-3)
Iowa	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Iowa Code §137F.1 / §137F.20)
Idaho	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (IDAPA 16.02.19 (Idaho Food Code, cottage food provisions))
Illinois	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (410 ILCS 625/4 (Food Handling Regulation Enforcement Act, §4))
Indiana	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Ind. Code §16-42-5.2)
Kansas	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh

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			ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (K.S.A. §65-657)
Kentucky	NO	Cap: 60000; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (KRS §217.137)
Louisiana	NO	Cap: 30000	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (La. R.S. §40:4.13)
Massachusetts	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (105 CMR 590.009(D))
Maryland	NO	Cap: 50000; Registration: Depends	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (MD COMAR 10.15.03.27)
Maine	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (7 M.R.S.A. §282 (Food Sovereignty Act))
Michigan	NO	Cap: 50000	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (MCL §289.4102)
Minnesota	NO	Cap: 78000; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support

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			botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Minn. Stat. §28A.152)
Missouri	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Mo. Rev. Stat. §196.298)
Mississippi	NO	Cap: 35000	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Miss. Code Ann. §75-29-951)
Montana	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (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	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (02 NCAC 9C.0307)
North Dakota	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (N.D. Cent. Code §23-09.5-01 through §23-09.5-02)
Nebraska	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Neb. Rev. Stat.

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			§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	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (RSA §143-A:12)
New Jersey	NO	Cap: 50000; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (N.J.A.C. 8:24-11 et seq.)
New Mexico	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (NMSA §25-12-3 (Homemade Food Act))
Nevada	NO	Cap: 35000; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (NRS §446.866 (repealed 2025; superseded by AB352/chapter 420 & 512, Statutes of Nevada 2025))
New York	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4)
Ohio	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (O.R.C. §3715.023; §3715.025; Ohio Admin. Code Ch. 901:3-20)
Oklahoma	NO	Cap: 75000	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable'

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			infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act))
Oregon	NO	Cap: 50000; Registration: Depends	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (ORS §616.723)
Pennsylvania	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (3 Pa.C.S. §§5721-5737)
Rhode Island	NO	Cap: 50000; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (R.I. Gen. Laws §21-27-6.2)
South Carolina	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (S.C. Code §44-1-145)
South Dakota	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (SDCL §34-18-35)
Tennessee	NO	Cap: None	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Tenn. Code §53-1-125 (Food Freedom Act))

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Texas	NO	Cap: 150000	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Tex. Health & Safety §437.001 et seq.)
Utah	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Utah Code §4-5-501)
Virginia	NO	Cap: Tiered	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Va. Code §3.2-5130)
Vermont	NO	Cap: 30000; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (18 V.S.A. §4351; Act 42 (2025) cottage food operator exemption)
Washington	NO	Cap: None; Registration: Yes	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (RCW §69.22.010-.040)
Wisconsin	NO	Cap: Tiered	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a handful of states with a process authority letter. (Wis. Stat. §97.29)
West Virginia	NO	Cap: None; Registration: Depends	Fresh garlic, herbs, or vegetables infused in oil are prohibited from home kitchens in nearly every state — even 'shelf-stable' infused oils. Anaerobic conditions inside sealed oil support botulism growth. A dry-only infusion (dried herbs, no fresh ingredients, refrigerated) is the only home-safe route in a

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			handful of states with a process authority letter. (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	CONDITIONAL	Cap: None	Food Freedom Act permits infused oils DTC with informed-consumer notice — still not recommended without pH/aw documentation. (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.