



ACIDIFIED / FERMENTED • FOOD 35 OF 42

Can I sell / kombucha?

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

Kombucha sits in the middle band of cottage food law — allowed in 1 jurisdictions, conditional in 47, and prohibited in 3. This report explains each verdict and the food-safety reasoning behind it.

JURISDICTIONS	ALLOWED	CONDITIONAL	NOT ALLOWED
51	1	47	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.

ACIDIFIED / FERMENTED

The verdict, in one page

<p style="font-size: 2em; font-weight: bold; color: #2e7d32;">1</p> <p>ALLOWED</p> <p>Fits under standard cottage food law without extra permits.</p>	<p style="font-size: 2em; font-weight: bold; color: #8e6c39;">47</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: #8e2424;">3</p> <p>NOT ALLOWED</p> <p>Requires a licensed commercial kitchen or is prohibited outright.</p>
--	---	--

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>
---	---

WHERE YOU CAN SELL — ALL 51 JURISDICTIONS

STATE	VERDICT	RULE TIER & CAP	NOTES
Alaska	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (AS 17.20.332)
Alabama	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Ala. Code §22-20-5.1)
Arkansas	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (A.C.A. §20-57-201 (Act 1040 of 2021))
Arizona	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (A.R.S. §36-931 / §36-932)
California	NO	Cap: Tiered (see notes); Registration: Yes	Fermented beverages are not on the California CFO approved list. (Cal. Health & Safety Code §113758)
Colorado	CONDITIONAL	Cap: Tiered (see notes); Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (C.R.S. §25-4-1614)
Connecticut	CONDITIONAL	Cap: 50000; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Conn. Gen. Stat. §21a-62a)
	CONDITIONAL		

STATE	VERDICT	RULE TIER & CAP	NOTES
District of Columbia		Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (D.C. Code §7-742.02)
Delaware	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (16 Del. Admin. Code 4458A)
Florida	NO	Cap: 250000	Fermented beverages require FDA / DBPR alcohol beverage regulation review. (Fla. Stat. §500.80)
Georgia	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (O.C.G.A. §26-2-470 et seq. (eff. July 2025); prior: GA R&R 40-7-19)
Hawaii	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (HAR §11-50-3)
Iowa	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Iowa Code §137F.1 / §137F.20)
Idaho	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (IDAPA 16.02.19 (Idaho Food Code, cottage food provisions))
Illinois	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (410 ILCS 625/4 (Food Handling Regulation Enforcement Act, §4))
Indiana	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Ind. Code §16-42-5.2)
Kansas	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (K.S.A. §65-657)
Kentucky	CONDITIONAL	Cap: 60000; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (KRS §217.137)
Louisiana	CONDITIONAL	Cap: 30000	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (La. R.S. §40:4.13)
Massachusetts	NO	Cap: None; Registration: Yes	Not permitted from a residential kitchen. (105 CMR 590.009(D))
Maryland	CONDITIONAL	Cap: 50000; Registration: Depends	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (MD COMAR 10.15.03.27)
Maine	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (7 M.R.S.A. §282 (Food Sovereignty Act))
Michigan	CONDITIONAL	Cap: 50000	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (MCL §289.4102)
Minnesota	CONDITIONAL	Cap: 78000; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Minn. Stat. §28A.152)
Missouri	CONDITIONAL	Cap: None	

STATE	VERDICT	RULE TIER & CAP	NOTES
			Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (Mo. Rev. Stat. §196.298)
Mississippi	CONDITIONAL	Cap: 35000	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (Miss. Code Ann. §75-29-951)
Montana	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH \leq 4.6 or 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	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (02 NCAC 9C.0307)
North Dakota	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (N.D. Cent. Code §23-09.5-01 through §23-09.5-02)
Nebraska	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (Neb. Rev. Stat. §81-2,280 (producer of food at private home); §81-2,239 et seq. (Nebraska Pure Food Act))
New Hampshire	CONDITIONAL	Cap: Tiered; Registration: Depends	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (RSA §143-A:12)
New Jersey	CONDITIONAL	Cap: 50000; Registration: Yes	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (N.J.A.C. 8:24-11 et seq.)
New Mexico	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (NMSA §25-12-3 (Homemade Food Act))
Nevada	CONDITIONAL	Cap: 35000; Registration: Yes	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (NRS §446.866 (repealed 2025; superseded by AB352/chapter 420 & 512, Statutes of Nevada 2025))
New York	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (N.Y. Agric. & Mkts. Law §251-z-4; 1 CRR-NY 276.4)
Ohio	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (O.R.C. §3715.023; §3715.025; Ohio Admin. Code Ch. 901:3-20)
Oklahoma	CONDITIONAL	Cap: 75000	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (2 O.S. §5-4.1 through §5-4.6 (Homemade Food Freedom Act))
Oregon	CONDITIONAL	Cap: 50000; Registration: Depends	Acidified / fermented foods usually require documented pH \leq 4.6 or a process authority letter. (ORS §616.723)
Pennsylvania			

STATE	VERDICT	RULE TIER & CAP	NOTES
	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (3 Pa.C.S. §§5721-5737)
Rhode Island	CONDITIONAL	Cap: 50000; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (R.I. Gen. Laws §21-27-6.2)
South Carolina	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (S.C. Code §44-1-145)
South Dakota	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (SDCL §34-18-35)
Tennessee	CONDITIONAL	Cap: None	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Tenn. Code §53-1-125 (Food Freedom Act))
Texas	CONDITIONAL	Cap: 150000	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Tex. Health & Safety §437.001 et seq.)
Utah	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Utah Code §4-5-501)
Virginia	CONDITIONAL	Cap: Tiered	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Va. Code §3.2-5130)
Vermont	CONDITIONAL	Cap: 30000; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (18 V.S.A. §4351; Act 42 (2025) cottage food operator exemption)
Washington	CONDITIONAL	Cap: None; Registration: Yes	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (RCW §69.22.010-.040)
Wisconsin	CONDITIONAL	Cap: Tiered	Acidified / fermented foods usually require documented pH ≤ 4.6 or a process authority letter. (Wis. Stat. §97.29)
West Virginia	CONDITIONAL	Cap: None; Registration: Depends	Acidified / fermented foods usually require documented pH ≤ 4.6 or 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	YES	Cap: None	Fermented beverages allowed under Wyoming Food Freedom Act (non-alcoholic). (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.