

COTTAGE FOOD LAW REPORT

Santa Clara County

California · San Jose · FIPS 06085 · Population 1,916,831 ·
Crosodo Index #1675*

STATE BASELINE

Cal. Health & Safety Code §113758

STATE TIER

Good

ANNUAL SALES CAP (STATE)

Tiered (see notes)

CONFIDENCE

HIGH

LAST VERIFIED

2026-05-05

IMPORTANT — NOT LEGAL ADVICE

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision. Consult a licensed attorney for advice specific to your situation.

How to start — 60-second path

Santa Clara County, California — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

Tiered (see notes)

HOME OCCUPATION PERMIT?

Varies by city

ON-SITE / PORCH PICKUP?

Yes

INSPECTION

Conditional

PETS

State baseline applies

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under California cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ California home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[California label one-pager →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

CALIFORNIA: SANTA CLARA COUNTY

CROSODO INDEX #1675* · FIPS 06085 · San Jose

Santa Clara County

Population 1,916,831 · State baseline: Cal. Health & Safety Code §113758 · HIGH

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Santa Clara County Department of Environmental Health (DEH) administers both CFO Class A/B registrations/permits and the MEHKO program, which was approved by the Board of Supervisors on March 14, 2023. Both programs are active and accepting applications. A residence may only have one CFO or one MEHKO. CFO proof of zoning approval from local city is required before operating but need not be submitted to DEH. LLCs, Corporations, and Partnerships cannot obtain CFO permits.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

State baseline applies

HOME OCCUPATION PERMIT?

Varies by city (Santa Clara County DEH requires CFO operators to obtain local city zoning approval before operating, though proof need not be submitted to DEH. The specific permit type and cost depends on the city (San Jose, Sunnyvale, Mountain View, etc.). For unincorporated Santa Clara County, contact county planning.)

ON-SITE / PORCH PICKUP?

Yes

INSPECTION REQUIRED?

Conditional (CFO Class A: no routine inspection; upon complaint only. CFO Class B: one routine annual inspection. MEHKO: initial onsite kitchen evaluation required before permit issuance; routine inspection scheduled after permit approval.)

Home kitchen rules

HOME KITCHEN ALLOWED

Yes — Santa Clara County Department of Environmental Health (DEH) administers both CFO Class A/B registrations/permits and the MEHKO program, which was approved by the Board of Supervisors on March 14, 2023. Both programs are active and accepting applications. A residence may only have one CFO or one MEHKO. CFO proof of zoning approval from local city is required before operating but need not be submitted to DEH. LLCs, Corporations, and Partnerships cannot obtain CFO permits.

SEPARATE DEDICATED KITCHEN

No

PET RESTRICTIONS

State baseline applies

WATER SUPPLY

State baseline applies

HANDWASHING

State baseline applies

FOOD STORAGE

State baseline applies

Inspection & permitting

INSPECTION REQUIRED

Conditional — CFO Class A: no routine inspection; upon complaint only. CFO Class B: one routine annual inspection. MEHKO: initial onsite kitchen evaluation required before permit issuance; routine inspection scheduled after permit approval.

HOME OCCUPATION PERMIT

Varies by city — Santa Clara County DEH requires CFO operators to obtain local city zoning approval before operating, though proof need not be submitted to DEH. The specific permit type and cost depends on the city (San Jose, Sunnyvale, Mountain View, etc.). For unincorporated Santa Clara County, contact county planning.

LOCAL BUSINESS LICENSE

Varies by city

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Yes
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Direct/indirect sales within California only (state baseline). MEHKO permits on-site dining, pickup, and delivery. MEHKO: food must be prepared, cooked, and served same day. MEHKO may not operate at farmers markets or temporary events.
MAX EMPLOYEES IN HOME	1 full-time equivalent for CFO (state baseline); MEHKO limits TBD per county ordinance

Relevant county code

Santa Clara County MEHKO Ordinance (approved March 14, 2023); Cal. Health & Safety Code §113758 (CFO) and §114367 (MEHKO)

RESEARCH NOTES

Santa Clara County is a MEHKO opt-in county; MEHKO permits issued since March 14, 2023. Application fee: \$446; annual permit fee: \$652. These fees were waived through March 14, 2025 due to CDPH grant. MEHKO and CFO permits are mutually exclusive at one residence. Veterans may be exempt from CFO permit fee but not application review fee. CFO permits valid for one year; non-transferable. Key distinction: MEHKOs may prepare potentially hazardous foods but cannot make food in advance (same-day only) and cannot operate at farmers markets or temporary events.

SOURCES VERIFIED AT RESEARCH TIME

<https://www.sccgov.org>

<https://cpd.sccgov.org/microenterprise-home-kitchen-operations-mehko>

<https://deh.santaclaracounty.gov/food-and-retail/compliance-retail-food-operations/apply-cottage-food-operations-permit>

<https://cpd.sccgov.org/cottage-food-operations-cfo>

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/california/santa-clara-county-discuss

Bordering counties — cottage food law

Regulation	Santa Clara County	Alameda County	San Mateo County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	State baseline applies	No animals inside kitchen/ dining areas during MEHKO operations (MEHKO SOP requirement). State baseline applies for CFOs.	Standard sanitation; MEHKO requires food safety compliance
INSPECTION REQUIRED	Conditional	Conditional	Yes
ON-SITE CUSTOMER PICKUP	Yes	Yes	Yes
ON-SITE SIGNAGE	Conditional	Conditional	Conditional
DELIVERY / PICKUP	Direct/indirect sales within California only (state baseline). MEHKO permits on-site dining, pickup, and delivery. MEHKO: food must be prep...	CFO: direct/indirect sales within California only. MEHKO: on-site dining, pickup, delivery by operator/staff. MEHKO food must be prepared a...	CFO Class A: direct sales only (\$75,000 cap). CFO Class B: direct + indirect (\$150,000 cap). MEHKO: direct-to-consumer only (dine-in, take-...
HOME OCCUPATION PERMIT	Varies by city	Yes	Conditional
LOCAL BUSINESS LICENSE	Varies by city	Varies by city	Conditional
RESTRICTIONS	Santa Clara County Department of Environmental Health (DEH) administers both CFO Class A/B registrations/ permits and the MEHKO program, whi...	Alameda County Department of Environmental Health (ACDEH) administers both CFO Class A/B registrations/permits and the MEHKO program. CFO a...	Two pathways: (1) CFO Class A/B under §113758; (2) MEHKO under §113825 — San Mateo County has permanently authorized MEHKOs (ordinance appr...
FOOD STORAGE	State baseline applies	State baseline applies	Standard per state approved foods list (CFO) or California Retail Food Code (MEHKO)
POPULATION	1,916,831	1,663,823	754,250

State context — California cottage food law

Santa Clara County's rules sit on top of California's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

STATUTE

Cal. Health & Safety Code §113758

ANNUAL SALES CAP

Tiered (see notes)

REGISTRATION REQUIRED

Yes

FOOD HANDLER CERT

Yes (specific course)

KITCHEN INSPECTION

No

DIRECT SALES ONLY

No

INDIRECT SALES

Limited (see notes) — Class B permit holders may sell indirectly through retail stores and restaurants statewide; Class A registrants are limited to direct sales only and may not sell through any retail or wholesale venue.

For the full state-level analysis including the verbatim statute text, see the **California cottage food law report** on Crosodo, or open the live guide: crosodo.com/states/california.

STATE-LEVEL REFERENCES

State statute: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=113758

State dept cottage food page: https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/FDB/FoodSafetyProgram/Cottage%20Food%20Operations/CFO_Faq.pdf

Forrager.com: <https://forrager.com/law/california/>

Questions about Santa Clara County? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/california/santa-clara-county-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Santa Clara County, California. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/california/santa-clara-county-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

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