DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON
14000 MSCOE LOOP, SUITE 120
FORT LEONARD WOOD, MISSOURI 65473-8300

AMIM-LDW (210-7ab)

JUL 08 2026

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Garrison Policy 15 - Home-Based Businesses and Home-Based Cottage Food Businesses

1. References:

a. Army Regulation (AR) 210-7 (Personal Commercial Socialization on Army Installations), 11 May 2021.

b. AR 210-22 (Support for Non-Federal Entities Authorized to Operate on Department of the Army Installations), 12 May 2022.

c. Army Directive (AD) 2018-29 (Non-Federal Entity (NFE) Competition with Appropriated and Non-Appropriated Fund Activities on Army Installations), 17 December 2018.

d. Department of Defense Instruction (DODI) 1344.07 (Personal Commercial Solicitation on DOD Installations), 30 March 2006.

e. DODI 1000.15 (Procedures and Support for Non-Federal Entities Authorized to Operate on Department of Defense Installation), 24 October 2008.

f. AR 608-10 (Child, Youth, and School Services), 11 May 2026.

g. Technical Bulletin Medical (TB MED) 530 (Tri-Service Food Code), 1 March 2019.

2. Scope: This policy applies to all military and Civilian personnel and their Family members who reside on Fort Leonard Wood.

3. Exclusions: This policy does not apply to:

a. Authorized sales and fundraising activities by private organizations, units, and Soldier and Family Readiness Groups (SFRG) as approved through other channels within the Directorate of Family and Morale, Welfare, and Recreation (DFMWR) and the garrison commander or appointed designee.

b. Individuals providing authorized childcare through the Family Child Care (FCC) program of Child Youth Services (CYS), DFMWR.

c. Persons who reside on the installation and work remotely from their residence (such as consultants, freelance artists, or teleworkers) or who operate their own business exclusively through online means only (i.e., eBay or Etsy type businesses), with the exception of food sales.

d. Individuals or companies providing merchandise or service to Non-appropriated Fund activities through an authorized agreement.

e. Individuals participating in authorized yard sale activities as outlined in the Balfour Beatty lease agreement and Resident Handbook.

f. Persons with a valid commercial solicitation permit.

4. Purpose: This policy aims to protect the Department of the Army, military personnel, and Civilian personnel from fraudulent or unethical business practices. Commanders at all levels must ensure all individuals and/or agents who have written permission to solicit on the installation follow the guidance outlined in AR 210-7 and this policy letter. For the purposes of this letter, Home Based Cottage Food Businesses (HBCFB) are a category of Home Based Businesses (HBB) and subject to additional regulations. All references to HBB include HBCFB.

5. Home Based Businesses are Non-Federal Entities (NFE) owned or operated by authorized residents on Army Installations. Personal businesses offered by spouses or dependents of Active-Duty Servicemembers who reside off the installation will also comply with the requirements of this policy, AR 210-7, AR 210-22, and AD 2018-29 if they desire to solicit on the installation or participate in any event offered by any NFEs or the garrison on the installation.

6. Fort Leonard Wood has designated DFMWR Headquarters as the single point of entry for HBB applications and inquiries.

a. The approval authority to operate a HBB on the installation is delegated to the garrison commander. Fort Leonard Wood will process HBB applications as consistently and expeditiously as possible, but no later than 60 calendar days following the submission of the completed packet.

b. HBB applications will be available at the headquarters office of the DFMWR, 13486 Replacement Ave, Ste 1103 (bldg. 470) Fort Leonard Wood, MO. 65473.

c. HBB applicants will utilize the Application for Home Based Business Permit, FLW Form 120, revised December 2020 (encl 1).

d. HBB application packets must include:

(1) Completed application, FLW Form 120.

(2) Business information (catalog, brochures, handouts, website, etc.).

(3) Copy of Liability Insurance Declaration Page and/or business registration number (if applicable).

(4) HBB Business Lease Addendum (encl 2), signed by Balfour Beatty.

7. HBCFBs are also subject to the following additional requirements of written documentation containing:

a. The street address where the food will be produced.

b. A list of food items that will be produced with a copy of the recipe for each food item produced. The recipe will identify all ingredients and a description of the production method and process controls (i.e. equipment used, product holding/storage/packaging).

c. Copies of both the applicant's Food Handlers Certificate of Completion and the inspection from Preventative Medicine.

d. Point of sales location.

e. Must follow the Missouri Home Based Kitchen Food Production Guidance (encl 3).

f. GLWCH Cottage Industry Guidance (encl 4).

8. Applicant must submit the method of advertising the business.

9. The HBB owner is responsible for:

a. Completing all application submission requirements outlined in this policy.

b. For any damages to third parties arising from the conduct of the business.

10. Prohibited HBB's on Fort Leonard Wood include the following:

a. Tattoo / Body Art

b. Car Repair / Wash Service

11. Distribution of posters, flyers, business cards, promotional materials, etc. anywhere on Fort Leonard Wood is prohibited except for authorized paid advertising through the installation newspaper and the DFMWR Commercial Sponsorship and Advertising office.

12. Approval of HBB applications will be valid for three years from the date signed.

13. The point of contact for this policy is the office of the Directorate of Family and Morale, Welfare, and Recreation, (573) 596-0118.

ERIC S. MCCALL
COL, LG
Commanding

4 Encls
1. Application
2. Lease Addendum
3. Food Production Guidance
4. GLWCH Cottage Industry Guidance

DISTRIBUTION:
All Residents of Fort Leonard Wood
to Include Military, Civilian,
Family Members, and Tenants

Application for Home Based Business Permit		
DATA REQUIRED by the PRIVACY ACT of 1974, Authority: Title 6 USC 662a; Title 10, USC 3013. Purpose(s): The requested information will be used by the Senior Commander or their designee to determine whether or not to grant this request.		
Home Based Business (HBB) Owner		
NAME (Last, First, MI)	Address	Telephone Number
Name of Business	Email Address of Business	Previously Approved? ☐ Yes ☐ No
Business Category	Spouse Owned and Operated? ☐ Yes ☐ No	Application Submission Date

Brief description of the business activity

_____

_____

_____

_____

Please provide business information i.e. Brochures, handouts, website information.

The HBB owner residing in privatized on-post housing must obtain approval to operate in writing from the community manager before submitting a request to the Senior Commander or Garrison Commander.

The following rules are written to ensure that a HBB does not negatively affect the safety, community tranquility, or the good order and discipline of Fort Leonard Wood. The business owner acknowledges that the following conditions must be met. THE HBB OWNER:

☐ must obtain the requisite permissions, licenses (if applicable), and liability insurance prior to opening/operating.

☐ is responsible for any damages to third parties arising from the conduct of their business.

☐ is required to comply with and is subject to inspections the appropriated city, county, state, or federal agency, office or department for compliance with all applicable laws, codes, regulation, and requirements.

☐ if food preparation is involved, the Army Public Health and/or the Local Health Department may need to approve, and the applicant must provide documentation that states that the HBB meets all applicable food safety and sanitation conditions with this application and include a list of ingredients and a description of the production's method and process controls.

Additionally;

☐ The residential character of the property shall be maintained, the HBB may not occupy more than 25% of the homes gross floor area. Parts or material related to the HBB will be screened from public view and will be limited to the interior of the structure or the side and rear yards of the property. Signage is limited to what can be displayed in a single window from the inside and may not be illuminated

☐ Customers may only patronize a HBB between the hours of 0600 and 2000.

☐ Noise, vibration, or odors shall not be detectable beyond the property line.

Anyone Providing Child Care: Must be registered with the Child and Youth Services office of the Family Child Care (FCC) Program: contact 573-596-0185 for more information

I certify that the above statements are true and that I have read and will abide by the rules listed above and any additional guidance contained within the installations Home Based Business policies

Applicants Signature and Date: _____

Reason for Disapproval:

I have reviewed the above application and it has been ☐ Approved / ☐ Disapproved.

ERIC S. MCCALL
COL, LG
Commanding

FLW Form 120, Revised Dec 2020

HOME BASED BUSINESS ADDENDUM

This will serve as an Addendum to the Lease _____, between LWFC; (Owner) and _____ (Resident) regarding the Premises located at _____.
(address)

1. Conditional Authorization for a· Home Based Business. Resident may conduct the home based business described below, in accordance with state/local laws and regulations governing the conduct of home based businesses until the Lease terminates. Owner may terminate this Conditional Authorization prior to Lease termination If Resident's right of occupancy is lawfully terminated or If, In Owner's judgment, Resident, Occupant, or guest violates any of the rules of this Lease, Home Based Business Addendum or Resident Guide. Owner's granting of permission is not a warranty that the Premises are suitable for the conduct of Resident's business or that Resident has complied with all requirements.

2. Description of the Business. The Resident may conduct only the business described below.

   a. Government Certified Child Care in a Child Development Home:_____. (Initial)

   b. Other (description): _____

   _____

   _____

3. Home Based Business Rules. Resident agrees to abide by these rules:

   a. Resident is responsible for obtaining the necessary permissions, licenses, and Insurance.

   b. Resident Is responsible for any damages to third parties arising from the conduct of Resident's business.

   c. The business is required to comply with and Is subject to inspection by the appropriate city, county, state or federal agency, office or department for compliance with applicable laws, codes, regulations and requirements.

   d. Residents providing childcare must comply with military regulations governing home based day care centers operated by military members or their spouses. This includes, but is not limited to obtaining and retaining adequate Insurance, and maintaining current certification through the Military Child Development Home CertIfIcati0n process.

   e. No door-to-door soliciting will be allowed and no advertising signs shall be posted on the Premises or in the Neighborhood.

   f. Advertising or flyers of any kind may not be posted or distributed in the Neighborhood or placed in or posted on mail boxes.

4. **Violation provision of the Rules.** If Resident, Occupant or Guest, in Owners judgment, violates any rule or provision of the lease Agreement, Home Based Business Addendum or the Resident Guide, Owner may provide Resigned written notice of said violation, and: (a) issue a warning concerning the ramification of further violations; (b) direct temporary cessation of business pending review; or (c) revoke this Conditional Authorization. If notified to temporarily or permanently crease operations,

HOME BASED BUSINESS ADDENDUM

Resident must cease promptly in accordance with the notification. Violation include, but are not limited to, receipt of reasonable complaints, as determined by Owner, that the business is disturbing other residents or creating an inappropriate environment within the Community. Owner also had all the rights and remedies set forth in the Lease, This Home Based Business Addendum and the Resident Guide, Including damages, eviction and attorney's fees to the extent allowed by law.

5. **Liability for Damages, Injuries, Cleaning, Etc.** Resident is liable for the entire amount of all damages caused by the conduct of the Home Based Business, including wear and tear beyond that expected in a family domicile. This provision applies to all parts of the Premises, including carpets, doors, walls, window, screens, appliances, as well as lawns, landscaping and other outside improvements. Items that cannot be satisfactorily cleaned or repaired will be replaced in their entirety at Residents expense. Payment for damages, repairs, cleaning, replacements, etc. are due within 30 days of demand.

Resident shall defend, indemnify and hold Owner harmless from loss, cost, damage, injury, and the claims by others related to Residents Home Based Business, including but not limited to, all costs of litigation and attorney's fees resulting from any such damage.

6. Liability Not Limited. Approval for this Home Based Business Addendum does not limit Residents Liability for property damages, cleaning, replacements, or personal injuries resulting from conduct of the approved business.

7. General. The Resident acknowledges that no other oral or written agreement exists regarding the Home Based Business other that the Lease Agreement, the Home Based Business Agreement and the Resident Guide.

Resident: _____Date_____ Owner: _____ Date_____

Resident: _____Date_____ Owner: _____ Date_____

Missouri Home-Based Kitchen Food Production Guidance

MISSOURI DEPARTMENT OF
HEALTH &
SENIOR SERVICES

August 2023

Table of Contents

- Definitions 3
- Introduction 5
- Food Safety Basics 5
- Regulation of Food in Missouri 6
- Missouri Cottage Law 7
    - Foods sold under the Missouri Cottage Law 7
    - Foods that cannot be sold under the Missouri Cottage Law 8
    - Labeling requirements for Missouri Cottage Law 8
    - Missouri Cottage Law Revised Missouri Statute 9
    - Updates to the Missouri Cottage Law 9
    - If a product doesn't fall under the Missouri Cottage Law 9
    - MO Cottage Law vs MO Food Code Exemption 9
- Raw Agriculture Commodities 10
- Inspection Required 11
    - Local Public Health Agency (LPHA) 11
    - Missouri Department of Health and Senior Services (DHSS) Manufactured Foods program 12
    - Missouri Department of Agriculture (MDA) 12
- Question and Answer (Q&A) 12
- Resources 15
- References 16
- Revision History 16

NOTE: This document has been prepared in order to share the Department of Health and Senior Services' current understanding and interpretation of this subject. This document does not create or confer any rights for or on any person and does not operate to bind federal, state or local food safety regulatory agencies. Alternative approaches may be possible if applicable statutes and regulations are met. Refer to the department's website at Health.Mo.Gov for the most recent version of this document.

DEFINITIONS

- Baked Good [1]
  - Cookies, cakes, breads, danish, donuts, pastries, pies, and other items that are prepared by baking the item in an oven. A baked good does not include a potentially hazardous food.
- Consumer [2]
  - A person who is a member of the public, takes possession of food and is not functioning in the capacity of an operator.
- Food [2]
  - A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- Food Establishment [2]
  - An operation that stores, prepares, packages, serves, vends food directly to the end consumer or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation provides food directly to the end consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank.
  - Includes an operation that is conducted in a mobile, stationary, temporary or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.
- Law
  - The Revised Statutes of Missouri (RSMo) that have been duly enacted by the General Assembly of Missouri and Governor to protect the health and welfare of the people. They are to be abided by statewide with the provision of the law enforced by state and local authorities.
- Local Public Health Agency (LPHA) [3]
  - Local public health agencies located throughout Missouri that work to improve the health of thousands of Missourians every year at the community level.
  - Operate independently of each agency and are independent of state and federal health agencies.
  - Address a wide range of public health issues, from environmental problems to providing emergency services during natural disasters.
- Missouri Food Code [3]
  - Regulations of the State of Missouri that establish sanitation standards for the purveying of food to consumers in order to safeguard public health and provide to consumers food that is safe, unadulterated and honestly presented.
    - The Missouri standard for food safety under RSMo Chapter 196 Food, Drugs and Tobacco.
    - Minimum sanitation standards for retail food facilities are specified in 19 CSR 2-1.025 Missouri Food Code.

    - Based off the model food code developed by the Food and Drug Administration (FDA).
- pH [2]
    - The symbol for the measure of the degree of acidity or alkalinity of a solution.
        - Values between zero (0) and seven (7) indicate acidity.
        - Values between seven (7) and fourteen (14) indicate alkalinity.
        - The value for pure distilled water is seven (7), which is considered neutral.
- Potentially Hazardous Food [2]
    - A food that is natural or synthetic and requires temperature control for food safety.
    - Has the potential to support the rapid and progressive growth of pathogens.
    - Includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes and garlic-in-oil mixtures.
- Ready-to-eat Food [2]
    - Is in a form that is edible without additional preparation to achieve food safety.
    - Is a raw or partially cooked animal food and the consumer is advised.
    - Is prepared in accordance with a special process approved by the department.
    - May receive additional preparation for palatability or aesthetic, epicurean, gastronomic or culinary purposes.
- Retail Food [3]
    - An establishment that provides or sells food directly to the end consumer.
- Rule [1]
    - A codified guideline that is written and enacted by a department.
    - Rules describe how a statute will be administered and enforced.
    - Rules are promulgated through a formalized process outlined in statute that includes a public comment period, as well as legislative review.
- Temperature Danger Zone [2]
    - 41° Fahrenheit (F) to 135° F.
    - Bacteria grow more rapidly in this temperature range.
- Water Activity [2]
    - A measure of free moisture in a food.
    - Symbol: aw or A_w.
- Wholesale or Manufactured Food [3]
    - Any entity that manufactures, processes, packs or holds food for human consumption.
    - Does not sell directly to the end consumer.

INTRODUCTION

The Missouri Home-Based Kitchen Food Production Guidance was developed to provide standards, guidelines and consistent information for those that provide safe and quality food to consumers. This document offers guidance on food items that may be sold and conditions that must be met. For any food items that do not fall under one of the exemption categories, or if you have further questions or concerns, please reach out to the Environmental Health program at your local public health agency or to the Missouri Department of Health and Senior Services (DHSS) Retail Food program.

The Bureau of Environmental Health Services (BEHS) is a component of the Missouri Department of Health and Senior Services and encompasses environmental risk assessment, surveillance, education and enforcement. BEHS strives to prevent illness, injury and death related to environmental causes.

DHSS is assigned the responsibility for ensuring food safety in Chapters 192 and 196, RSMo. DHSS works with Local Public Health Agencies (LPHAs) to ensure standards are met throughout the state and reserves the right to exercise regulatory discretion when enforcing its own statutes and regulations. In Chapter 192, RSMo, LPHAs in Missouri are granted the authority to adopt local food ordinances that are equal to or more stringent than current state regulations. To determine if your local health agency has their own food ordinance, please contact your local health department. A directory of LPHAs can be found at Health.Mo.Gov.

Food Safety Basics

One of the most important things to know when working with food is that food hazards and foodborne illnesses are a real threat to people's health. The Centers for Disease Control and Prevention (CDC) estimates that one of every six Americans contracts a foodborne illness every year. That is 48,000,000 cases, 128,000 hospitalizations and 3,000 deaths. Many hazards can cause foodborne illnesses. These hazards include biological, chemical, physical and allergen.

Biological hazards include bacteria, viruses and other parasites that can get into food and make people sick. According to the Missouri Food Code, the five main foodborne illnesses are Norovirus, *Salmonella*, Shiga toxin-producing *E. coli, Shigella spp, and* Hepatitis A virus. When conditions are right, these pathogens can survive or even grow and multiply on food and food preparation surfaces and can cause severe illness to those that ingest contaminated food or food prepared on a contaminated surface. For example, bacteria can multiply rapidly if foods are left out at room temperature or in the temperature danger zone of 41 °F to 135 °F. Biological hazards are the most common cause of foodborne illnesses.

Chemical hazards occur when dangerous chemicals get into food. Some examples include when a pesticide is not washed off of a piece of fruit or when an employee sprays cleaning chemical too close to food. When ingested or inhaled, chemicals have the potential to cause

adverse health effects. It's important when handling chemicals to keep away from food and use according to label instructions.

Physical hazards are foreign materials unintentionally introduced to food that can cause injury when ingested. Examples of physical hazards are plastic in food, unexpected bone or metal fragments. Physical hazards can happen at any stage of food production.

Allergen hazards occur when a known allergen contaminates or is added to a food item. There are nine major food allergens: milk, egg, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans and sesame. Contamination can occur many different ways. Common ways allergens contaminate food is prepping food with known allergens and using the same equipment to prepare food with no allergens without properly washing, rinsing and sanitizing the equipment in between uses, or adding an ingredient into food without knowing that the components of the ingredient contains allergens. This is known as allergen cross contact.

You can help prevent foodborne illnesses with four simple steps: clean, separate, cook and chill.

- Clean hands and surfaces often. Bacteria and viruses can survive in many places and spread around your kitchen.
- Separate food and do not cross-contaminate. Raw meat, poultry, seafood and eggs can spread germs to ready-to-eat food. Separating these food items can reduce the risk of cross-contamination.
- Cook foods to the correct internal temperature. Food is safely cooked when the internal temperature is high enough to kill bacteria and viruses that make you sick. The proper internal temperature will vary depending on the type of food being cooked..
- Chill foods by refrigerating them promptly. Bacteria can multiply rapidly if foods are left out at room temperature or in the temperature danger zone of 41 °F to 135 °F.

Regulation of Food in Missouri

Food is regulated in Missouri by the Missouri Department of Health and Senior Services (DHSS) and the Missouri Department of Agriculture (MDA). The state maintains close working relationships with the U.S. Food and Drug Administration (FDA) and United States Department of Agriculture (USDA). DHSS and MDA use many tools, from outreach and training to inspections and regulations, to ensure that food products are safe and wholesome. State food safety regulations focus on reducing biological, chemical, physical and allergen hazards at facilities that produce, hold, serve or otherwise introduce food into commerce.

DHSS and Local Public Health Agencies (LPHAs) regulate retail food establishments. Retail food establishments are establishments that sell food directly to the end consumer. Some examples of retail food establishments are grocery stores, restaurants, convenience stores, food pantries and mobile vendors. These types of establishments must comply with the retail food code. DHSS has developed the Missouri retail food code that is the basis of food safety

throughout Missouri. LPHAs have the option of adopting the Missouri retail food code or adopting ordinances that are equal to or more stringent than DHSS. Because of this, each entity will have to contact their LPHA to ensure the operation meets any local policies in place and follow their procedures.

DHSS regulates manufactured food firms. A manufactured food firm is any entity that manufactures, processes, packs or holds food for human consumption and does not provide food directly to the end consumer. An entity that meets the definition of a manufacturer must comply with the DHSS Manufactured Food program's applicable regulations. If an entity sells to both the end consumer and meets the definition of a wholesaler, they would have to be inspected by both the LPHA and DHSS Manufactured Food program.

MDA is also involved in food safety. MDA has a variety of regulatory programs, including the State Milk Board, which regulates fluid milk and processed milk products; feed and seed; on-farm produce safety; egg quality; meat and poultry; agri-security; plus a wide variety of training opportunities.

Missouri Cottage Law

Foods sold under the Missouri Cottage Law

The Missouri Cottage Law is an exemption that allows Missouri residents to make specific kinds of non-potentially hazardous foods in their home kitchens, using common residential appliances, for sale to the public without being subject to routine inspection. Non-potentially hazardous foods allowed under the Missouri Cottage Law are:

- Baked goods
- Canned jams or jellies
- Dried herb and dried herb mixes

However, there are stipulations that could cause an item to not be classified under the Missouri Cottage Law, which is discussed in the next section. The term "Cottage Law" is not an umbrella or all-encompassing term to allow an individual to make any food item out of their home. The Missouri Cottage Law is very specific that baked goods, canned jams or jellies, and dried herb and dried herb mixes are the only items that can be prepared out of the individuals' home. If the food item does not fall under the list of items that can be sold under the Missouri Cottage Law, it cannot be sold or claimed under the Missouri Cottage Law exemption.

A cottage food production operation is not a food service establishment and is not subject to any health or food code laws or regulations of the state or local health authorities. However, nothing prohibits authority of state or local health departments to conduct an investigation of a foodborne disease or outbreak.

Foods produced under the Missouri Cottage Law must be sold by the individual who prepared the food or sold by a person who is a member of the household who has extensive knowledge

about the food product. The reason for this is if the consumer has questions about the product or any further processes, the individual will be able to provide answers and education to the consumer. This allows for the consumer to make informed decisions about the product.

Foods produced under the Missouri Cottage Law are to be sold directly to the end consumer. If foods are to be wholesaled, they no longer are exempted by the Missouri Cottage Law. Wholesalers should contact the DHSS Manufactured Food program for more information.

Foods that cannot be sold under the Missouri Cottage Law

If a food is potentially hazardous, it is no longer considered a cottage food product.

Certain jams and jellies are excluded from the Missouri Cottage Law. For example, due to changes in the sugar content "No Sugar Added," "Sugar Free," and hot pepper jams and jellies could have an altered pH or water activity that no longer classifies them as non-potentially hazardous. Because these products vary so greatly, they cannot be sold under the Missouri Cottage Law.

Foods that cannot be sold under the Missouri Cottage Law:

- Cut produce
- Baked goods garnished with fresh fruit
- Freeze dried foods
- Salsa
- Pickles
- Sauces (BBQ sauce, hot sauce, etc.)
- Sprouts
- Wild mushrooms
- Meats
- Dairy
- Eggs
- Pet foods
- And more....

Labeling requirements for Missouri Cottage Law

Labeling is required for cottage food items. The labeling that is required allows for the consumer to make a clear and informed decision about the product and brings awareness that the product is prepared in an uninspected kitchen. The label must be legible to the consumer and must include all of the following:

- Full name and address of the cottage food production operation
- Common name of the food
- Name of all ingredients in the food in order of weight in descending order
- Net weight of the food
- List of any allergens in the food

- A statement that the product is prepared in a kitchen that is not subject to inspection by the Missouri Department of Health and Senior Services

Missouri Cottage Law Revised Statute of Missouri

Revised Statute of Missouri (RSMo) 196.298 is the Missouri Cottage Law. It can be found here: https://revisor.mo.gov/main/OneSection.aspx?section=196.298.

Updates to the Missouri Cottage Law

Revisions made to the Missouri Cottage Law went into effect on Aug. 28, 2022. Updates include allowing cottage products to be sold online and removal of annual gross income caps. If the product meets the requirements as stated in RSMo 196.298, a cottage food producer can sell their product online as long as both the producer and purchaser are located within Missouri. **A cottage food producer may not sell their products across state lines.** The other update to the cottage law was the removal of the $50,000 annual gross income. Previously, the cottage food operation was limited to an annual gross income of $50,000 or less from the sale of cottage food products. There is no longer a limit to how much a cottage food producer can make annually.

If a product doesn't fall under the Missouri Cottage Law

If a product does not meet the requirements stated in the Missouri Cottage Law, the seller must meet the food safety regulations used by the LPHA. Food products that do not fall under the Missouri Cottage Law may have to be produced in an approved commercial kitchen and are subject to routine inspection by the LPHA.

Missouri Cottage Law vs. Exemption in the Missouri Food Code

The Missouri Cottage Law only allows for baked goods, canned jams or jellies, and dried herb and dried herb mixes. However, there is an exemption in the Missouri Food Code under the definition of "Food Establishment." Where **local laws allow**, other low-risk non-potentially hazardous foods may be sold from an individual stand direct to consumer without being inspected by the LPHA. Examples of non-potentially hazardous foods that may fall under this exemption are:

- Fruit butters
- Sorghum
- Cracked nuts
- Packaged spices and spice mixes
- Dry soup mixes

LPHAs must use either the Missouri Food Code or a local code that is equivalent or more stringent as the basis for regulatory food safety programs. If the local agency has their own code, other non-potentially hazardous foods may or may not be exempted from routine inspection. Sellers must comply with the local agency's requirements. To see if your LPHA

allows for this exemption, as well as any other questions or concerns, please contact the appropriate LPHA.

Foods produced under this exemption must be sold by the individual who prepared the food or sold by a person who is a member of the household who has extensive knowledge about the food product. The reason for this is if the consumer has questions about the product or any further processes, the individual will be able to provide answers and education to the consumer. This allows for the consumer to make informed decisions about the product.

Labeling is required for food items produced under the exemption. The labeling that is required allows for the consumer to make a clear and informed decision about the product and brings awareness that the product is prepared in an uninspected kitchen. The label must be legible to the consumer and must include all of the following:

- Full name and address of the cottage food production operation
- Common name of the food
- Name of all ingredients in the food in order of weight in descending order
- Net weight of the food
- List of any allergens in the food
- A statement that the product is prepared in a kitchen that is not subject to inspection by the Missouri Department of Health and Senior Services
- A clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to inspection by the Missouri Department of Health and Senior Services.

Raw Agricultural Commodities

Raw Agricultural Commodities are described in federal law as unprocessed foods in a raw or natural state, and include:

- Unprocessed whole fruits and vegetables
- In shell nuts
- Fresh herbs
- Raw unprocessed fish
- Grains
- Saps
- Sugarcane
- Honey

Raw Agricultural Commodities are considered low-risk foods and may be sold directly to the end consumer without the operation being considered a food establishment. Food establishments may obtain Raw Agricultural Commodities directly from farms, even if the farm

does not provide documentation of inspection (not all farms are subject to food safety inspection and oversight under federal law).

Fruits and vegetables can only be sold under the Raw Agricultural Commodity exemption in their whole, uncut form. The only cut that can be done is the harvest cut or removal of the item from the source. Anything after the harvest cut is considered processing and will require inspection by the state or local health agency.

Pure honey is a Raw Agricultural Commodity. Missouri has a number of varying sized apiaries that maintain their own hives and harvest, filter and package their own pure honey on-farm. Such farms are not routinely inspected by local, state or federal authorities. If an operation has any of their processes off-farm or partakes in additional manufacturing/processing, they are subject to inspection. Examples of processes that would make a farm subject to inspection are:

- Honey brought from another farm and packaged on site
- Honey sent off-farm to be packaged
- Adding ingredients into honey
- Further processing the honey

Commercially harvested or 'farm' raised fish may be sold direct to end consumer without inspection, provided the seller does nothing more than removal of the head, tail and viscera and maintains temperature control by the use of ice. Commercially harvested fish may be offered for sale, provided that the seller complies with the Missouri Department of Conservation rules, has a commercial fishing license, and fish are kept cold (41 °F or lower).

INSPECTION REQUIRED

An operation that does not meet the categories or requirements as stated throughout this guidance is likely subject to inspection by the LPHA, DHSS or other local, state or federal authorities.

Local Public Health Agency (LPHA)

If an operation meets the definition of a food establishment and meets terms defined by local laws, they are to be inspected by the local health department. The operation will need to contact the appropriate LPHA and follow their policies and procedures to be an inspected facility and meet local regulations.

Foods requiring inspection by LPHA:

- Canned low-acid foods
- Smoked, cured or dried meats
- Freeze dried fruits and vegetables
- Sprouted seeds and beans
- Fermented foods

- Sampling activities
- Other potentially hazardous foods
- Ready-to-eat food prepared on site
- And more…

Local Public Health Agency (LPHA) Directory: https://health.mo.gov/living/lpha/lphas.php

DHSS Manufactured Food program

If an operation manufactures, processes, packs or holds food items for human consumption that does not go directly to the end consumer (i.e. is sold to other businesses), separate regulations apply. Contact the DHSS Manufactured Food program for more information at DHSSfoodsafety@health.mo.gov or (573) 751-6095. If an operation wants to sell directly to the end consumer and meets the definition of wholesale, the operation will be inspected by both the LPHA and DHSS Manufactured Food program.

Missouri Department of Agriculture

If an operation wants to sell animal meats, dairy, eggs, pet foods or wholesale produce, the operator should contact the Missouri Department of Agriculture and follow their policies and procedures.

Missouri Department of Agriculture: aginfo@mda.mo.gov or (573) 751-4211.

Q&A

Who can sell cottage food items?

Only the person preparing the food item or a member of their household with extensive knowledge of the food items can sell the cottage food item. This allows for the consumer to have questions answered and make an informed decision about the product.

Is there a food permit or license for cottage food production operations?

A cottage food production operation is not a food service establishment and is not regulated by state or local health departments. There is no food permit or license for cottage food production operations, but products must meet the labeling requirements listed by law.

Can an individual sell cottage food items out of a mobile establishment?

If local laws allow, individual stands vending non-potentially hazardous foods may be allowed to be sold directly to the end consumer without being subject to regulation and inspection under the exemption in the food code. There are requirements to meet to do so, such as proper labeling and a clearly visible placard at the point of sale that both state the product was prepared in a kitchen not subject to inspection by the department. To learn whether your local laws allow this exemption, please contact your local public health agency.

Can Splenda® or something of the like be used in jams and jellies?

Artificial sweeteners can alter the pH or water activity of the product and may result in a potentially hazardous food item. The product will need to be tested to ensure that it has a pH and water activity that will not result in a potentially hazardous food item. The individual must contact their Local Public Health Agency for additional instructions and guidance.

What if a cottage food production operation wants to wholesale their product?

If they are wholesaling product, it no longer falls under the Missouri Cottage Law and will have to be inspected and in compliance with the DHSS manufactured food program.

If an individual makes fresh salsa on site at a Farmers' Market, can they do so under the Missouri Cottage Law?

No. Salsa is not a food item exempted by the Missouri Cottage Law. If an individual is making fresh salsa on site at a Farmers' Market, it is considered a food establishment and is subject to food safety regulations and inspection.

What will a Local Public Health Agency do if they receive a complaint about a cottage food production operation?

Local agencies are to document the complaint and keep records according to their policies. Local agencies are to follow their policies and procedures for complaints and, if needed, request assistance from DHSS.

Do mushrooms fall under Missouri Cottage Law?

Mushrooms do not fall under Missouri Cottage Law. However, they can be sold unprocessed without being subject to routine inspection as a Raw Agricultural Commodity. Individuals who wish to grow mushrooms should contact the Missouri Department of Agriculture's produce safety program for more information. If an individual wants to sell wild mushrooms, they must take classes and trainings to be an identification expert and have the classes and trainings approved by the Missouri Mycological Society.

What is the difference between sprouts and microgreens?

Bean or alfalfa sprouts are classified as potentially hazardous foods and must be produced in an approved and inspected facility.

Small operations that grow, harvest or sell microgreens to the end consumer may generally do so without inspection. However, they may need to comply with federal law and the Standards for Growing, Harvesting, Packing and Holding of Produce for Human Consumption. The Missouri Department of Agriculture's Produce Safety program offers guidance on the standards.

Do freeze-dried food items fall under Missouri Cottage Law?

No. Freeze-dried foods are not automatically exempted by the Missouri Cottage Law. Freeze-dried, non-potentially hazardous foods (example: candy) may fall under the exemption in the

Missouri Food Code, but that is only where local laws allow and will be determined by the Local Public Health Agency. Freeze dried fruits and vegetables must be processed in an approved and inspected facility.

Can meats be sold under the Missouri Cottage Law?

No. Packages of meat must have a mark of inspection from either the United States Department of Agriculture (USDA) or Missouri Department of Agriculture (MDA).

Why doesn't salsa, pickles or BBQ sauce fall under the Missouri Cottage Law?

Salsa, pickles and BBQ sauce are common examples of acidified or low acid canned foods. If not properly prepared, *Clostridium botulinum* spores can grow under favored conditions and produce botulism toxin. This is why products of this nature must be produced in an inspected facility. A producer must submit their recipe and procedures to a process authority, and if needed, attend a "better process control school." In addition, the producer must ensure the safety of the food being produced by testing the pH of each batch of product and maintaining records. All products made must also comply with labeling regulations.

What is considered non-potentially hazardous for the Food Code exemption?

According to the Missouri Food Code: A food with a water activity value of eighty-five one-hundredth (0.85) or less or a food with a pH level of four and six-tenths (4.6) or below when measured at seventy-five degrees Fahrenheit (75 °F). A food product may need to be tested and evaluated by a process authority to determine pH and/or water activity before a final exemption determination can be made for some products.

Do meringue or cream pies fall under the Missouri Cottage Law?

No. Meringue and/or cream pies are not exempted by the Missouri Cottage Law. These products are potentially hazardous foods. They will need to be made in an approved and inspected facility by the Local Public Health Agency.

Do pet foods and pet treats fall under the Missouri Cottage Law?

No. Pet foods and treats are regulated by the Missouri Department of Agriculture. Individuals interested in marketing pet foods and/or treats will need to contact the Missouri Department of Agriculture and follow their policies and procedures.

Do dairy products and eggs fall under the Missouri Cottage Law?

No. Operations that sell dairy and egg products directly to the consumer are considered Food Establishments and are inspected by the local public health agency. Fluid milk and most dairy products (e.g. Grade A milk, cheese, butter) that are sold wholesale are regulated by the State Milk Board. Manufacturers of "egg products" (e.g. dried, frozen, liquid eggs) are regulated by the Missouri Department of Agriculture and USDA. Egg processing facilities (e.g. washing, sorting and packing) are under DHSS and FDA authority. To package eggs, you must possess either a Missouri dealer's egg license or a limited retailer egg license, which can be obtained from the Missouri Department of Agriculture.

Do marijuana infused products fall under any exemptions?

"Marijuana-infused products" means products that are infused, dipped, coated, sprayed or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories and infused prerolls. These products do not fall under the exemptions and would have to be produced and sold in a facility licensed by the Missouri Department of Health and Senior Services Division of Cannabis Regulation. More information can be found here at Cannabis.Mo.Gov.

Can I sell my product across state lines?

No. Product that is sold across state lines may be subject to inspection by the FDA or other local, state or federal authorities.

Who do I contact if I have questions?

Individuals can contact their Local Public Health Agency. A directory of local public health departments can be found here: https://health.mo.gov/living/lpha/lphas.php

RESOURCES

Missouri Department of Health and Senior Services, Bureau of Environmental Health Services
Website: https://health.mo.gov/safety/foodsafety/
Email: info@health.mo.gov
Phone: (573) 751-6095

Missouri Department of Agriculture
Website: https://agriculture.mo.gov/
Email: aginfo@mda.mo.gov
Phone: (573) 751-4211

Local Public Health Agency (LPHA) Directory: https://health.mo.gov/living/lpha/lphas.php

The Association of Food and Drug Officials (AFDO), Food Processing Authorities Directory: https://www.afdo.org/directories/fpa/

Missouri Food Code: https://health.mo.gov/safety/foodsafety/pdf/missourifoodcode.pdf

Missouri Cottage Law (RSMo 196.298):
https://revisor.mo.gov/main/OneSection.aspx?section=196.298

REFERENCES

[1] Missouri Cottage Law
https://revisor.mo.gov/main/OneSection.aspx?section=196.298&bid=51016

[2] Missouri Food Code https://health.mo.gov/safety/foodsafety/pdf/missourifoodcode.pdf

[3] Missouri Department of Health and Senior Services

https://health.mo.gov/living/lpha/

https://health.mo.gov/safety/foodsafety/industryfoods/retailfoods/

Food and Drug Administration (FDA)

https://www.fda.gov/

United States Department of Agriculture (USDA) https://www.usda.gov/

Centers of Disease Control and Prevention (CDC) https://www.cdc.gov/

REVISION HISTORY

August 2023

DEFENSE HEALTH AGENCY
GENERAL LEONARD WOOD ARMY COMMUNITY HOSPITAL
4430 MISSOURI AVENUE
FORT LEONARD WOOD, MO 65473

MCXP-DPH-EH 14 November 2024

MEMORANDUM FOR RECORD

SUBJECT: Requirements for Home Based Business Preparing Cottage Foods.

1. Reference: TB MED 530: Tri-Service Food Code (TSFC), 1 March 2019.

2. Background: Home businesses operating in government housing involving food production and sale (Cottage Foods) are not subject to public health inspection as a food establishment under the TSFC. As such, only low-risk foods such as bread and cookies are acceptable because they typically do not present a foodborne illness risk as they cannot support the growth of harmful microorganisms at unrefrigerated temperatures. High-risk foods such as meat, dairy, and eggs, are prohibited as they readily support the growth of harmful microorganisms when held outside of safe temperature controls and present a high risk for causing foodborne illnesses.

3. Requirements governing production and sale of cottage foods.

a. Cottage foods may not be sold in a food establishment or retail store operating on a military installation.

b. Cottage foods produced in nongovernment housing (i.e., off-post) are regulated by the State or local Health Department.

c. Cottage food operations occurring in government housing or privatized government housing on-post shall register as a cottage food operator through General Leonard Wood Army Community Hospital, Environmental Health (GLWACH, EH) for review and approval of proposed cottage foods prior to initiating the sale of such foods. The registration shall be a written document containing:

(1) The street address of the location where the cottage food will be produced;

(2) A list of the cottage foods that will be produced;

(3) A copy of the recipe for each food produced. Recipes shall identify all of the ingredients and a description of the production method and process controls (for example, cooking equipment, product holding/storage, packaging); and

(4) The method of advertising and point of sale location in which the cottage food will be provided to the consumer.

d. The cottage food operator shall:

(1) Produce the cottage food in the kitchen or residence that was stated in the registration packet and is identified on the food label.

(2) Maintain a copy of each cottage food recipe and provide a copy to GLWACH, EH upon request.

(3) Be the original processor of the food. The food may not be repackaged from another producer.

(4) Package or wrap the food using clean food containers or food-grade foils or plastic wrap.

(5) Place a label on the packaged food to indicate:

a. The name, address, and phone number of the cottage food producer;

b. Ingredients that are known food allergens: milk, eggs, fish, crustacean, shellfish, tree nuts, wheat, peanuts and soy beans or a food ingredient that contains a protein derived from a food specified in this sentence; and

c. A consumer notice that specifies, "This food was produced in a home kitchen not subject to public health inspection."

e. Except as specified in paragraph "f." of this section, a home business may not sell any high-risk foods or the following low-risk foods:

(1) Honey.

(2) Home-canned vegetables, meats, or stews.

f. The following foods may be approved by GLWACH, EH on a case-by-case basis when suitable controls are identified and maintained:

(1) Cream or custard-filled bakery products (for example, pies and pastries) and cheesecake. These products are considered a temperature controlled food and shall be refrigerated.

(2) High-acid foods (for example, jams and jellies). The producer shall test the acidity of each batch of the final product using acceptable test mechanism, such as withdrawing a small sample of the product and testing using pH paper. A log of testing results shall be retained by the COTTAGE FOOD producer for 1 year.

MCXP-DPH-EH
SUBJECT: Requirements for Home Based Business Preparing Cottage Foods.

4. The point of contact for this memorandum is the undersigned at DSN: (573) 596-9004 or eamon.s.graham.mil@health.mil.

GRAHAM.EAMON.SHANE.1162753084 Digitally signed by GRAHAM.EAMON.SHANE.1162753084 Date: 2024.11.18 12:04:00 -06'00'

EAMON S. GRAHAM
MAJ, MS
Chief, Environmental Health

Encl
Home Based Business Checklist

MCXP-DPH-EH
SUBJECT: Requirements for Home Based Business Preparing Cottage Foods.

Home Based Business Checklist

Home Based Business Name:_____

Owners Name:_____

Physical Address:_____

Email:_____

Phone Number:_____

Date:_____

Reference: TB MED 530 – Regulatory Guidance for Cottage Food Operations

These items and actions are essential controls that must be applied by the Cottage Food operator to protect public health. They will be checked (and/or explained to the HBB Owner) by the inspecting Environmental Health Technician.

Documentation

___Recipe for all foods produced, which identifies:
- all ingredients
- description of the production method and
- process controls (cooking equipment, product holding/storage, packaging)

___ The method of advertising and point of sale location in which the cottage food will be provided to the consumer

___Label to be placed on each product which includes:
- The name, address, and phone number of the cottage food producer
- Ingredients that are known food allergens (milk, eggs, fish, crustacean, shellfish, tree nuts, wheat, peanuts and soybeans or a food ingredient that contains a protein derived from a food specified in this sentence); and
- A consumer notice that specifies, "This food was produced in a home kitchen not subject to public health inspection."

Facilities and Equipment

___ Maintain facilities and supplies for hand washing during food production. This includes a sink and warm potable water, hand soap, and paper towels.

___Equipment to keep the food and ingredients at safe temperatures. At a minimum the producer must have a refrigerator which can be held at 38°F to 40°F and, if appropriate, a freezer capable of operating at 0°F. Each refrigerator and freezer should have a thermometer place inside the unit where it can easily be read when the unit door is opened.

___Facilities and equipment to ensure food is cooked to proper temperature. This includes one or more food thermometers which can be used to check food temperatures after cooking and during hot or cold holding.

___Facilities and equipment for proper washing and sanitizing food equipment and utensils. Home-style dishwashers must be run on the hottest wash and rinse cycle available. Use the sanitize cycle when this feature is available for the dishwasher model and do not interrupt the cycle or open the dishwasher door before the cycle is complete.

Hygiene

___Cottage Food producer must not produce food when they are sick with symptoms of high fever, sore throat, experiencing a cold (heavy cough, runny nose, or sneezing), or stomach upset with loose stool or diarrhea. They must also not produce food when they are taking care of a family member who is sick with similar symptoms.

___Animals, dogs, cats, and other pets must be excluded from the kitchen during food preparation, cooking and wrapping.

___Producer must wear clean clothing and wash their hands up to the elbows with warm soapy water before handling food and whenever their hands become soiled such as when handling trash.

___Family members may assist the producer but must follow the same hygiene requirements.

Food Production

___Clean and sanitize all cooking and food preparation surfaces before beginning operations.

___Wash fresh fruits and vegetables under clean running water prior to pealing or slicing.

___Put fresh fruits and vegetables on a clean towel after washing.

___Except for ingredients that make up the specified Cottage Food, ensure there are no major food allergens in the kitchen while the food is being produced.

MCXP-DPH-EH
SUBJECT: Requirements for Home Based Business Preparing Cottage Foods.

___Follow the specified Cottage Food recipe each time the product is made.

___Check the final cooking temperatures using a food thermometer.

___Keep a record of final cooking temperatures and the date of production for each batch of food produced.

___Satisfactory
___Unsatisfactory

NOTES: _____

_____

_____

_____

_____

_____

_____

_____

_____

EH Tech

Name: _____

Signature: _____

Email: _____ Phone Number: (573) 596-0518

Date: _____