

Food Manufacturing Licensing Exemptions

July 2025

Vermont law ([18 V.S.A. 4351](#)) requires that a person obtain a license from the Department of Health to operate a food manufacturing establishment. However, the law allows people producing small amounts of certain types of foods to operate under a licensing exemption, as described below.

Those who can claim a licensing exemption do not need to obtain a license or pay a fee to operate a food manufacturing establishment. All food manufacturing establishments, however, including those who are exempt from licensure, must comply with Vermont food manufacturing laws and requirements.

If you need help accessing or understanding this information, contact FoodLodging@vermont.gov.

Updated Law – June 2025

[Act 42 \(2025\)](#) changes the requirements for claiming a licensing exemption for certain types of small food processors.

On July 1, the Health Department adopted the [Manufactured Food Emergency Rule](#) to align with Act 42 (2025). Food manufacturing establishments are required to immediately comply with the Emergency Rule. The Department will also be working to adopt permanent rules that food manufacturers will need to comply with once adopted. This guidance will be updated accordingly.

Here are steps you can take to ensure you are in compliance:

- Review the information below to decide if you meet the requirements for a license exemption under the [Manufactured Food Emergency Rule](#).
- If you claim a licensing exemption, you must:
 - Take the [License Exempt Food Processors and Cottage Food Operators Online Training](#) with information about the [Manufactured Food Emergency Rule](#) and food safety.
 - Label products for sale as required under the [Manufactured Food Emergency Rule](#).
 - File a Health Department exemption form before January 15, 2026 (form will be available in October 2025).

Food Processor with annual sales of \$10,000 or less

[Act 42 \(2025\)](#) provides a licensing exemption for food manufacturing establishments that process and package food for resale and have gross annual sales of less than \$10,000.00.

Cottage Food Operator with annual sales \$30,000 or less of cottage food products

[Act 42 \(2025\)](#) provides a licensing exemption for cottage food operators that:

- produce or package cottage food products solely in the home kitchen of the cottage food operator's private residential dwelling or in a kitchen on their personal property, **and**
- have gross annual receipts of \$30,000.00 or less from the sale of cottage food products.

Cottage food products are defined in rule as food sold by a cottage food operator that does not require refrigeration or time or temperature control for safety. Cottage foods include, but are not limited to, the following:

- non-potentially hazardous baked goods
- candy
- jams and jellies
- dry herbs
- trail mix
- granola
- cereal
- mixed nuts
- flavored vinegar
- popcorn
- coffee beans
- dry tea
- home-canned pickles, vegetables, or fruits with an equilibrium pH value of 4.6 or lower or a water activity value of 0.85 or less that are made using recipes approved by the [National Center for Home Food Preservation](#) or reviewed by a [food processing authority](#) for safety

It is the manufacturer's responsibility to ensure the food product they are producing meets the definition of "cottage food product." The above is not a complete list of cottage foods. Food manufacturers may request review of their product by the Department using the [Cottage Food Product Review Request Form](#) to have certainty that a product qualifies as a

cottage food product. However, manufacturers do not need to seek approval from the Health Department to determine whether the product they are producing is a “cottage food product.”

Requirements for Operating Under a License Exemption

If you claim a licensing exemption, you must meet all of these requirements:

Complete annual training

Complete the Health Department’s [online training](#) for exempt food manufacturing establishments annually to ensure you understand which products are covered by the exemption, and how to ensure cleanliness, sanitation, and healthfulness when you are producing these food products.

File annual exemption

File a license exemption in the online portal each year by January 15. The filing form will be available beginning in October 2025.

Label products

Label products for sale with the following information:

- The name and address of your operation
- The name of the food product
- The ingredients of the food product, in descending order of predominance by weight, which means the ingredients used in the greatest amount are listed first, followed by those in smaller amounts
- The net weights or net volumes of the food product
- Allergen information as specified by federal labeling requirements
- If any nutrient content claim, health claim, or other nutritional information is provided, nutritional labeling as specified by federal labeling requirements is required
- The following statement, in at least 10-point type in a contrasting color to the background label: **“Made in a home kitchen not inspected by the Vermont Department of Health.”**

Labeling example of chocolate chip cookies with allergens

<p style="text-align: center;">Chocolate Chip Cookies</p> <p>Establishment Name, Establishment Address</p> <p>Ingredients: Enriched flour (wheat flour, niacin, reduced iron, thiamine, riboflavin, folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, soy lecithin), sugar, eggs, baking soda.</p> <p>Contains wheat, eggs, milk, and soy.</p> <p>Net Wt. 17 OZ (485g)</p> <p>Made in a home kitchen not inspected by the Vermont Department of Health.</p>

Meet sanitation requirements

Claiming an exemption from the licensing requirements does not exempt you from complying with the food safety and sanitation requirements in the [Manufactured Food Rule](#). A public health inspector may inspect your establishment to make sure you are meeting requirements and to investigate potential public health hazards.

Do not sell to licensed food service establishments

Food service establishments, like restaurants, may only purchase food products from licensed food manufacturers per [Health Regulations for Food Service Establishments](#) Rule Section 5-204.

License needed if exemption requirements are not met

If your activities, food products, or gross annual sales do not meet the requirements for an exemption, you must contact the Department of Health and apply for a license as required in 18 V.S.A. 4351. Non-exempt food manufacturers that operate without a license may be subject to legal actions, including monetary penalties or a health order requiring that operations cease.

Frequently Asked Questions

Do I need to file a new form if I've submitted one in the past? Do I need to complete the training?

If you have already filed an exemption form with the Health Department, you will need to follow these steps to update your information with the Health Department:

1. Review the information in this guidance document to decide if you still meet the requirements for a license exemption under the new law.
2. Review the Health Department's [online training](#) with information about the new law and food safety.
3. File a new license exemption form between October 2025 and January 15, 2026, and by January 15 each year after that.

I am a new food manufacturer, and I think I qualify for an exemption. Do I need to file with the Health Department using the existing form before I start producing up to \$30,000 of cottage foods?

No, you do not need to file for an exemption using the Health Department's existing exemption form. You can start producing now without filing anything until October 2025.

However, you must:

1. Review the Health Department's [online training](#) with information about the Manufactured Food Emergency Rule and food safety as soon as possible, and
2. File the Health Department's new license exemption form between October 2025 and January 15, 2026.

What is a cottage food?

Cottage foods products are lower-risk foods that do not require refrigeration or time/temperature control for safety (for example, shelf-stable foods that do not need to be kept hot or cold to prevent the growth of hazardous bacteria or microorganisms).

For example, baked goods like breads and cookies would be considered cottage food. However, foods that need to be cooked for a certain length of time or kept at a certain temperature to prevent risks of illness from consumption, such as baked goods that need to be kept cold, like quiche, cheese danish, and cheesecake, are not cottage foods and do not qualify for the exemption.

How do I know if I'm making a cottage food if it isn't on the list?

Check to see if your food product falls within the Health Department's definition of "cottage food product" above, and the definition of time/temperature control for safety (TCS) food in the [Manufactured Food Emergency Rule](#).

If you determine that your product meets the definition of cottage food product, you don't need to request a review from the Health Department.

If you're not sure if your product qualifies, you can request that the Health Department review your product by completing the [Cottage Food Product Review Request Form](#) to have certainty that your product is a qualifying cottage food product.

What is a time/temperature control for safety (“TCS”) food?

Under the Manufactured Food Emergency Rule, TCS food ” has the same meaning as the term as defined in the [FDA 2022 Food Code](#) and means a food that requires time and/or temperature control to limit pathogen growth or toxin formation and keep the food safe for consumption.

Some examples of TCS foods include:

- Meat (beef, pork, lamb)
- Poultry (chicken, turkey, duck)
- Fish
- Shellfish and crustaceans
- Eggs
- Milk and dairy products
- Cooked, plant-based foods (e.g., cooked rice, beans, or vegetables)
- Baked potatoes
- Mushrooms
- Raw sprouts
- Tofu and soy-protein foods
- Untreated garlic and oil mixtures

Do I need to complete a training? Do I need to file anything with the Health Department?

Yes, anyone claiming a licensing exemption must take the Health Department’s [online training](#) with information about the Manufactured Food Emergency Rule and food safety. Once the training is completed, the person seeking the licensing exemption must file a Health Department license exemption form after October 2025, but before January 15, 2026, and by January 15 each year after that.

Can I be exempt from licensure and produce both cottage foods and non-cottage foods?

Yes, you can make up to \$30,000 worth of cottage foods under the cottage food operator exemption, plus up to \$10,000 of processed foods under the exemption for food processors with annual sales of \$10,000 or less. Food manufacturers must still comply with all state laws for food manufacturing establishments even if they are exempt from licensure and licensing fees.

I prepare meals in my home kitchen that I sell directly to customers. Do I qualify for one of the exemptions?

No. If you make prepared food/meals for sale direct-to-customer or prepare food for cooking later at a special event or at a farmers market, you need a [Home Caterer License](#). You may also need a [Temporary Food Service License](#) for the event.

Do I have to include my physical home address on my product labeling, or can I use a post office box?

You should use the physical address of your home kitchen on your product label, not a post office box. The purpose of including an address on product labels is to be able to locate the business in case of a recall or traceback associated with a foodborne illness complaint or outbreak. The labeling requirements in [Manufactured Food Emergency Rule](#) Section 6.2.1 specify that the name and address of the business must be included on the label.

Can I make and sell dehydrated meats or dehydrated fruits and vegetables under the cottage food operator exemption?

No. Meats are a potentially hazardous food and are not cottage food products that fall under the exemption. Dehydration of fruits and vegetables is a specialized process that requires special equipment to ensure the food is consistently processed to a water activity value that would make the food non-potentially hazardous.

Can I make products in a rented kitchen and sell them under the cottage food operator exemption?

No. The cottage food operator exemption applies only to the production of cottage foods in the kitchen of a food manufacturer's private, residential dwelling or in a kitchen on the food manufacturer's personal property. If a food manufacturer rents kitchen space, even if it is a licensed commercial kitchen facility, they would need to be licensed to sell the products made there.

If I claim a licensing exemption, can I sell the food products I make in my home kitchen to a local restaurant?

No. Food service establishments, like restaurants, may only purchase food products from licensed food manufacturers per the [Health Regulations for Food Service Establishments](#).

I'm a licensed food processor. Does the Manufactured Food Emergency Rule change the requirements that apply to me?

The Manufactured Food Emergency Rule only exempts from licensure and licensing fees cottage food manufacturers with gross annual receipts of \$30,000 or less and food manufacturers with gross annual receipts of \$10,000 or less. Even those that qualify for a licensure and licensing fee exemption must still comply with all other applicable laws. The Manufactured Food Emergency Rule does not change or impact licensing or any other requirements for food manufacturers that do not qualify for an exemption.