

North Carolina Home Bakery Rule Change Petition

Contact:

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Draft Petition for Rulemaking

Petitioner:

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Agency:

North Carolina Department of Agriculture & Consumer Services

Rule Citation to Amend:

Title 02 NCAC, Chapter 09 (Food & Drug Protection) – Home Processing requirements.

Proposed Amendment Text:

"A permitted home processor may own household pets provided that:

- (a) Pets are excluded from the kitchen and adjoining staging/storage areas at all times during processing, cleaning, cooling, packaging, labeling, and storage;
- (b) doors, gates or barriers prevent animal entry during food production."

Statement of Effect:

This amendment will expand opportunities for small home-based businesses while maintaining food safety by requiring strict separation and animal exclusion procedures. Benefits include expanded economic opportunity.

Supporting Reasons & Evidence:

- Most other states allow home processors with pets under separation protocols.
- Proposed conditions provide equivalent safeguards compared to a blanket prohibition.
- This change will support entrepreneurship and local economic development.

Problem:

North Carolina's current cottage food rules prohibit pets in the home, creating barriers for home bakers and small food entrepreneurs.

Solution:

Amend the rules to allow for pets in the home with the provision of keeping them out of the kitchen during food preparation.

Benefits:

- Expanding small business opportunities for families and rural communities
- Promotes local economic growth and entrepreneurship
- Provides consumers with more choice and transparency
- Reduces regulatory burdens for micro businesses while maintaining safe standards

48 states allow home bakers to own family pets.

Of those, 14 restrict the pets from being in the kitchen or production areas during processing.

Only 2 States explicitly ban all pets from the home at all times:

1. North Carolina — Full home ban (explicit: pets anywhere in the home disqualify home processing).
2. Pennsylvania — Full home ban (explicit for Limited Food Establishment using personal home kitchen).

14 States allow pets in the home but have regulations that do not allow pets in the kitchen during food preparation:

1. California — Kitchen ban (no pets in the kitchen during cottage-food preparation/handling).
2. Connecticut — Kitchen ban (in guidance/FAQ for cottage foods).
3. Georgia — Kitchen ban (state/extension guidance).

4. Maine — Kitchen ban (explicit; pets excluded from processing area during operation).
5. Massachusetts — Kitchen ban during production; municipalities implement under state framework.
6. Michigan — Kitchen ban (guidance: keep pets/children out of kitchen during preparation).
7. Minnesota — Kitchen ban in practice; statute focuses on allowable foods; exclude pets from prep area.
8. New Jersey — Kitchen ban (explicit; no pets in kitchen during prep/packaging/handling).
9. Oregon — Kitchen ban during operation; pets allowed in dwelling with on-label disclosure.
10. Rhode Island — Kitchen/storage ban (explicit; pets kept out of prep and storage areas).
11. South Carolina — Kitchen ban (explicit).
12. Utah — Kitchen ban plus confinement (pets cannot access kitchen; free-roaming pets must be confined).
13. Vermont — Kitchen ban (guidance/training).
14. West Virginia — Kitchen ban (best-practices guidance).

34 States have no specified statewide ban on pets in the home of home bakeries:

1. Alabama
2. Alaska
3. Arizona
4. Arkansas
5. Colorado
6. Delaware
7. Florida
8. Hawaii
9. Idaho
10. Illinois
11. Indiana
12. Iowa
13. Kansas
14. Kentucky

15. Louisiana
16. Maryland
17. Mississippi
18. Missouri
19. Montana
20. Nebraska
21. Nevada
22. New Hampshire
23. New Mexico
24. New York
25. North Dakota
26. Ohio
27. Oklahoma
28. South Dakota
29. Tennessee
30. Texas
31. Virginia
32. Washington
33. Wisconsin
34. Wyoming