INSTITUTE FOR JUSTICE

March 2, 2026

Testimony of the Institute for Justice in Support of HB 134

Dear Chair Schaffer and Members of the Senate Committee on Agriculture and Natural Resources:

Thank you for the opportunity to testify in support of HB 134, which will expand opportunities for people to buy and sell homemade food (often called "cottage food"). The Institute for Justice is a non-profit public interest law firm that works to protect civil liberties, including economic liberty. For years, we have helped home-based food producers reform state laws that arbitrarily limit the sale of cottage food.

Cottage food laws allow entrepreneurs with little capital to start small in their own homes without having to spend thousands of dollars on professional equipment and commercial kitchen space. Consumers and producers alike benefit from the sale of cottage foods: Consumers love buying local, homemade foods, and producers can earn income while supporting their local economy and expanding access to local food. As members of the community, cottage food entrepreneurs are often able to identify and meet specific local needs in ways that traditional food manufacturers and retailers cannot, such as providing much-needed food options in rural areas and food deserts.

Nearly every state across the country recognizes that cottage food businesses create jobs and generate revenue, but Ohio's regulatory approach is limiting food entrepreneurs' potential. We have talked with cottage food producers across the state and heard about the challenges they face. For example, producers would like to sell homemade meals beyond baked goods, but they cannot because state law arbitrarily limits perishable homemade food sales to only perishable baked goods. Some producers would also like the ability to ship their homemade products to other states, which is legal under federal law and in many states, but they can't under current law. Lastly, people would like to sell their cottage food products beyond the currently allowed venues, such as at retail shops and community events.

HB 134 addresses these problems. It creates the opportunity for people to grow their businesses and use the cottage food law as a steppingstone, if they choose to do so, to build a commercial kitchen and become fully licensed.

Many states have expanded their cottage food laws and have had new businesses flourish. The state of Minnesota provides one example of the potential economic impact of cottage food licensing reform. Within three years of expanding its cottage food law in 2015, the state granted more than 3,000 cottage food licenses, each representing a small business.[i] The state subsequently expanded its law further, and today in 2026, there are more than 10,800 cottage food licenses.[ii]

Data from other states also show that selling cottage food is incredibly safe. Today, 12 states allow the sale of perishable food, and there is no evidence that cottage

food sales are less safe in these states. The Institute for Justice has followed up with state health departments in the states with the broadest cottage food laws, and there are no confirmed cases of foodborne illness linked to cottage food sales.[iii]

Given the benefits of cottage food businesses on local communities and the safety of cottage food products, HB 134 is an important reform for cottage food producers and consumers. We encourage the committee to support this bill to make it easier for home-based food producers to pursue this safe, accessible path to entrepreneurship.

Sincerely,

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[i] Minnesota Department of Agriculture, Cottage Food Registrations by Year, https://www.mda.state.mn.us/food-feed/cottage-food-data (last visited April 8, 2025)

[ii] Id.

[iii] Erica Smith Ewing, Jennifer McDonald, New Data Show Homemade Food For Sale Is Incredibly Safe, Sept. 6, 2023, https://ij.org/report/new-data-show-homemade-food-for-sale-is-incredibly-safe/#:~:text=New%20data%20from%20the%20Institute%20for%20Justice%20show%20that%20buying,made%20in%20a%20home%20kitchen