

To whom it may concern,

The purpose of this letter is to petition for the revision of the Colorado Cottage Foods Act to include a wider array of products. I became a Cottage Foods operator in October of 2023. My products are baked products, specifically drop cookies, shelf-stable cupcakes, and other pastries like scones and sweet breads. I've learned quite a bit about how to operate a Cottage Foods business, mainly from spending hours on the internet researching, considering the resources available to CF operators change from county to county. While running a food-based small business has taught me about taxes, food preparation/sanitation, storage, customer support, and insurance and liability, it has also taught me just how restrictive the law is and what a detriment that is to producers and consumers. In this letter, I will address the current Colorado Cottage Foods Act and the challenges associated with it, compare it to the same act in two other states, and explain how my proposed revision would better serve consumers and CF operators in Colorado.

I want to first make it clear that the Colorado Cottage Foods Act is a tremendous opportunity for producers, especially when the cost of starting a business or storefront is an obstacle. I am not arguing that. What I am arguing in this letter are the restrictions still in place that, if revised, would benefit producers and consumers in more ways than one. Currently under the Colorado Act, producers are limited to what is considered "non-hazardous" products. This definition includes cream or custard filled pastries, frostings made with butter, meat products such as jerky, condiments and salsas, sauces, and more. While this still leaves an incredible amount of products that can be sold, the limitations can still have a negative impact on CF operations. For example, when I make cakes and cupcakes for my customers, I can only use shortening-based frostings. There is an incredible difference between the flavor and quality of a buttercream frosting and shortening-based one. In fact, many of my customers tend to stay away from store-bought cakes, mine included, because the taste of shortening frosting is too sweet. Bakers such as myself are always turning customers away who are willing to pay great money for an item we can't legally sell due to these restrictions. What makes this more frustrating is the fact that farm fresh eggs, which require temperature control, are legal for sale. To me, and other operators, it's difficult to understand why we can't sell some items that require refrigeration and not others, like eggs.

Colorado is one of 48 states that limits products to only those that are non-hazardous, so we are in the majority. However, Utah and Wyoming have much looser laws that allow a wider array of products and opportunities for producers. In Utah, producers are limited only by raw milk and meat products, meaning sauces, fermented items, and dairy products like creams or custards are permitted. This provides more opportunities for producers to make an income, and if this were applied to Colorado, producers could earn more for their businesses. Currently, producers in Colorado can earn a cap of \$10,000 per product sold. More allowed products equals more profit, and don't we want that for our small businesses?

Wyoming opens up even more opportunities for CF operators, as the only products more harshly regulated are meat. This means that in addition to dairy items, any and all sauces,

spreads, savory fillings, and canned items are permitted. Colorado, like Wyoming, has a thriving agricultural community and allowing this much freedom benefits many people in the state.

The biggest reason why CF operations are limited in products allowed for sale is the risk of food-borne illnesses and pathogen growth, specifically in items that require temperature control. A loaf of bread takes longer to spoil than a jar of salsa or cream-filled pastry. The problem is that all foods eventually spoil, even ones purchased at a grocery store, so why are we not as concerned about store-bought products? Is it purely because they were manufactured in a larger facility or a commercial kitchen? I'm not convinced that's the case, considering how many national recalls of commercially-manufactured food we see in the news weekly. CF operators in Colorado are required to take food safety courses, which teach sanitation, storage, and other best practice methods, and pay the correct amount of taxes like any other business. The only thing we are not subjected to is a health inspection, which is included in the word-for-word product labeling we're required to use on every item sold.

CF operators in Colorado are required to sell to "informed end consumers", meaning our customers know at the point of sale that these items are homemade in a home kitchen not inspected by the health department, the specific address, business name, and ingredients used in the product. If we are already labeling our products with so much information and expected to inform consumers of these things, why limit the products to non-hazardous ones in the first place? Can we not include phrasing for refrigeration and temperature control on our labels as well?

Ultimately, I believe in one simple concept: let common sense prevail. Consumers who purchase dairy-based products or sauces and spreads from the store have enough common sense to know that they require temperature control or refrigeration after opening, and CF operations are no different. Our customers are informed on how we operate, what inspections and regulations we are and are not subjected to, and the ingredients included in the products. They can just as easily be informed on how to keep them safe before consumption.

Our state representatives here in Colorado celebrate small businesses and their contribution to our wonderful state. Among those small businesses are CF operators. I am asking for the act to be revised to include the wide range of products that our neighbors, Wyoming and Utah, allow. The safeguards in place for CF businesses and the education offered to operators through CSU extension courses and the numerous social media networks and communities would make this simple revision seamless. As an operator myself, I cannot see any reason why we can't join Wyoming and Utah as the only states to allow greater opportunities to grow small food-based businesses. We CF operators take great pride in our products and would never do anything to risk what we've worked so hard to build. Please consider this revision and support CF businesses across the state.

I am happy to answer any and all questions or provide more insight to this request if desired. Thank you for your time.

Susan Berg
Teacher, Cottage Bakery Owner, Proud Coloradan

House Agriculture, Water & Natural Resources

02/26/2026 Upon Adjournment

HB26-1033 Expanding the Colorado Cottage Foods Act

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Randi Willmann For themselves</p>	<p>Dear Chair McCormick and Members of the House Agriculture, Water & Natural Resources Committee,</p> <p>Thank you for the opportunity to testify in support of H.B. 1033, the Colorado Tamale Act, which would thoughtfully expand Colorado’s cottage food law to allow the sale of certain homemade foods that require refrigeration, including culturally important foods like tamales and other prepared items.</p> <p>My name is Randi Willmann, and I am a home-based food producer in Broomfield, Colorado. I own Alternative Bakery & Gifts, a cottage bakery specializing in alternative baking. I produce baked goods made with gluten-free flours and offer dairy-free, soy-free, vegan, and keto options to meet the growing needs of customers with dietary restrictions. While I am not permitted to advertise my business as gluten-free under current law, I exclusively use gluten-free ingredients in my home kitchen.</p> <p>I began selling homemade food as a way to serve my community while earning supplemental income for my family. My bakery allows me to support important causes, connect with customers who have limited safe food options, and build something meaningful from my own kitchen.</p> <p>Under current Colorado law, I am permitted to sell certain shelf-stable foods. However, I am prohibited from selling some of the items my customers frequently request, including pumpkin pies, cheesecakes, quiche, and other refrigerated baked goods such as buttercream-frosted cakes. These restrictions limit my ability to fully serve my customers and grow my business responsibly.</p> <p>Expanding the cottage food law would allow me to broaden my menu, better meet customer demand, and increase my earning potential. The additional income could help me reinvest in my business, pursue commercial kitchen rental opportunities, and potentially work toward opening a brick-and-mortar location in the future. This bill would create a practical pathway for small home-based entrepreneurs like me to grow sustainably and safely.</p>

	<p>For these reasons, I respectfully urge you to support H.B. 1033 and vote yes on the Colorado Tamale Act. Thank you for your time and consideration.</p> <p>Sincerely, Randi Willmann Broomfield, Colorado</p>
<p>Crisna De La Cruz For herself</p>	<p>My name is Crisna De La Cruz, and I am a Denver resident, customer, and food vendor. I am writing in strong support of the Tamale Act.</p> <p>I have been selling tamales for over 20 years alongside my mother. I have personally witnessed her struggles throughout the years, and this source of income has always been vital for our family especially after we lost our home in 2007. Selling tamales was not just a tradition. it was how we survived!</p> <p>In 2017, I opened a food truck called "Morena's Tacos" in Denver, Colorado. Because we were not allowed to sell from home, we had to use our savings to start a small business in order to continue working legally. Unfortunately, I had to close the business in 2022 due to the impact of the coronavirus pandemic. It was heartbreaking to lose something we worked so hard to build.</p> <p>I currently work as a project manager for a landscape company, and I am constantly on the go with little time for lunch. Being able to pull over and grab a quick meal from a small vendor not only supports hardworking families, but it also brings joy and convenience to busy people like me who are just trying to get through the day.</p> <p>Street vendors are hardworking individuals trying to provide for their families, just as my mother did for ours. The Tamale Act would create fair opportunities for small vendors to operate legally and safely, without forcing them into financial hardship just to comply. It would support entrepreneurship, preserve cultural traditions, and strengthen our local economy.</p> <p>I respectfully urge you to pass the Tamale Act and support the many families who depend on this work. as we would love to start selling our delicious Tamales again.</p> <p>Thank you for your time and consideration.</p> <p>Sincerely, Crisna De La Cruz</p>

<p>Bennett Rutledge</p> <p>For themselves</p>	<p>There are a wide variety of foods available from people in Colorado which venture beyond the menus of the nationally advertised food chains. It is important to make it as easy as possible for individuals to safely provide new or exotic foods with minimum micromanagement by requirements encoded in inflexible law.</p> <p>This bill is a step in the right direction. Please vote FOR HB26-1033</p>
<p>Kristin Dallison</p> <p>For themselves</p>	<p>To the Members of the Committee,</p> <p>My name is Kristin Dallison. My husband and I are certified cottage food producers in Bayfield, Colorado. I am writing in strong support of HB26-1033, legislation to expand the Colorado Cottage Foods Act.</p> <p>The Cottage Foods Act has provided a lawful, responsible pathway for individuals like myself to participate in Colorado’s economy while maintaining public health safeguards. The current law requires producers to complete state-approved food safety training, comply with labeling requirements, and limit sales to non-potentially hazardous foods. These guardrails are meaningful and effective.</p> <p>There has been some confusion in public discussions regarding the structure of the Act. For clarity: the \$10,000 cap is a per-product gross sales limit, not an overall annual cap. It functions as an economic scaling threshold, not as a substitute for food safety protections. Public health protections are embedded in the restrictions on food types, required training, and labeling transparency.</p> <p>HB26-1033 builds upon an already functional framework. Expanding allowable activities under the Act does not eliminate safeguards; it recognizes that small-scale producers can operate safely and responsibly while contributing to local economies. In rural communities, especially, cottage food production supports caregivers, parents, retirees, and individuals seeking supplemental income without the capital required for a commercial kitchen. This is also a meaningful business pathway for the disability community to pursue and become successful in.</p> <p>For many Coloradans, cottage food production is not about building large enterprises. It is about resilience, flexibility, and community. It allows individuals to test products, serve local markets, and grow responsibly within clearly defined statutory boundaries.</p> <p>I respectfully urge you to support HB26-1033. Expanding the Cottage Foods Act strengthens rural economies, increases food access, and supports entrepreneurship while maintaining established public health protections.</p>

	<p>Thank you for your time and consideration.</p> <p>Respectfully,</p> <p>Kristin Dallison Bayfield, Colorado</p>
<p>Michelle Wyman For themselves</p>	<p>I support this bill as it supports anyone who bakes or cooks and can use this as extra income that might be needed</p>
<p>Renae Friedrichs For themselves</p>	<p>I support this act as it is extremely beneficial for so many people and these laws need to be revised. There are so many people that make and purchase items for their and their families benefit! Make this happen please.</p>
<p>Lita Perez For themselves</p>	<p>I support this act. I believe people should have the freedom to sell food made from home. Many talented people do it without even knowing these restrictions exist. As a consumer myself, I fully support the changes this bill is trying to make.</p>
<p>Owen Balint For themselves</p>	<p>The passing of this bill would be incredibly advantageous and beneficial to those in our State who are striving to build their own small businesses, while also building better local connections with culinary expression as the centerpiece.</p>
<p>Stephanie Rodriguez For themselves</p>	<p>This act is about more than food. It is about economic opportunity, entrepreneurship, and empowering hardworking individuals to build something of their own. Act would lower barriers to entry, reduce unnecessary regulatory burdens, and allow more small-scale producers to safely grow their businesses.</p> <p>Importantly, expansion can be done while maintaining reasonable food safety standards. Other states that have modernized their cottage food laws have seen increased entrepreneurship without compromising public health. Thank you!</p>

Opposition to HB26-1033: Expansion of Cottage Foods to Include High-Risk Foods without Limits to Scale

I am writing this letter in opposition to HB26-1033, which would allow for potentially hazardous time- and temperature-controlled foods to be produced and sold from home kitchens without inspection. The Colorado Cottage Food Act was thoughtfully crafted to minimize risk to consumers and producers, while still enabling cottage food producers to pursue their entrepreneurial and financial goals. Expanding the act to include high-risk foods drastically increases the risk of foodborne illness, with the greatest risk to children, seniors, pregnant women, and those with chronic illness or autoimmune disease.¹ The consequences of this increased risk are potentially grave. Severe complications of foodborne illness include organ failure, seizures, sepsis, spontaneous abortion, hearing and visual impairments, developmental disabilities, and death.²

As noted in the letter opposing this bill from the Colorado Association of Local Public Health Officials, this bill would allow for the production of high risk foods without any of the commercial safeguards that act as guardrails to protect food safety and stop outbreaks quickly.³

I support Colorado food producers. For those looking to expand the scale of their business or produce higher-risk foods, there are current systems in place to support these goals, including retail food licenses and food manufacturing licenses. To produce food outside of these established systems that have been developed to ensure food safe practices, cottage food producers should remain focused on low-risk foods to maximize consumer safety. If there are barriers that prevent cottage food producers from pursuing licensure to expand their operation, let's address those barriers directly rather than exposing consumers to greater risk and producers to larger liability and exposure.

Proponents of this bill have argued that similar expansions have occurred in a limited number of other states without a noted increase in foodborne illness. However, we cannot assume that an absence of gathered data is the same as proof that the expansion has not contributed to elevated numbers of foodborne disease. As noted in the US Government Accountability Office's 2025 report on *Food Safety: Status of Foodborne Illness in the U.S.*, underdiagnosis, underreporting, and the challenges of epidemiological investigation remain significant barriers to assessing the true magnitude of foodborne illness rates in the United States.⁴ Therefore, I urge you to exercise caution when considering nascent data from other states.

Please vote no regarding HB26-1033: Expanding the Colorado Cottage Foods Act.

Sincerely,

Katheryn Maloney, Registered Dietitian, M.S. Food Science and Human Nutrition

References:

1. Assistant Secretary for Public Affairs (ASPA. (2019, April 26). *People At Risk*. FoodSafety.gov; FoodSafety.gov. <https://www.foodsafety.gov/people-at-risk>
2. Roberts, T., Kowalcyk, B., Buck, P., & Smith, J. (2009). The Long-Term Health outcomes of selected foodborne pathogens. Center for Foodborne Illness Research & Prevention. https://ucfoodsafety.ucdavis.edu/sites/g/files/dgvnsk7366/files/inline-files/26498_0.pdf
3. Colorado Association of Local Public Health Officials. (2026). *Opposition to HB26-1033: Expansion of Cottage Foods High-Risk Foods, Unlimited Scale, & Who Bears the Risk*.
4. U.S. Government Accountability Office. (2025). Food Safety: Status of foodborne illness in the U.S. In *U.S. Government Accountability Office* (pp. 1–3) [Report]. <https://www.gao.gov/assets/gao-25-107606.pdf>

Dear Chair McCormick and Members of the House Agriculture, Water & Natural Resources Committee,

Thank you for the opportunity to testify in support of H.B. 1033, the Colorado Tamale Act, which would expand Colorado's cottage food law to allow the sale of certain homemade foods that require refrigeration, including culturally important foods like tamales and other prepared items.

My name is Shannon Torrence, and I am an aspiring entrepreneur and founder of Custom Culinary, LLC. My family and I currently reside in Boulder County. I currently sell NO food due to the impact of the current cottage law.

The limitations with the current cottage law are preventing me from even starting business operations. The cost of renting commercial kitchen timeslots is prohibitive, and the margins at the farmer's markets are slim. There are a high number of families that I've had to turn down in the past due to the excessive restrictions under the current cottage law. These families have asked me to create meals tailored to specific dietary requirements, and I've had to turn them down to remain compliant with the law. Typically, families ask for this kind of support because they're dual-income or can't produce these meals themselves for various reasons. This often leads to over-reliance on unhealthy fast foods or foods that fall short of their dietary requirements. Not only do these limitations prohibit starting a food-based business from home, but in some cases the law has a detrimental impact on people's health.

During COVID, I had several families express interest in having me design and prepare meals for them, but the law effectively required me to work as a personal chef in the client's home. Once I explained that I couldn't simply make their meals in my kitchen and deliver it to their homes, potential clients immediately stopped pursuing the service my business could provide. This resulted in immediate lost income opportunities and severely restricted that family's options.

If this bill were to pass, it would open meaningful opportunities for me and my family by allowing me to earn sustainable income doing what I love. As the cost of living continues to rise, this additional income would help me support my family, contribute to my three kid's college educations, and save for retirement. Just as importantly, it would allow me to create flavorful recipes to meet dietary restrictions for clients that motivate them to stick with their prescribed dietary programs. Cooking is my passion, and this bill would give me the chance to turn that passion into a viable small business that serves others.

For these reasons, I respectfully urge you to support HB1033 and vote yes on the Colorado Tamale Act. Thank you for your time and consideration.

Sincerely,
Shannon Torrence
Erie, Colorado



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Testimony in Support of House Bill 1033
House Committee on Agriculture, Water, and Natural Resources
February 26th, 2026

Dear Chair McCormick and Members of the Committee,

Thank you for the opportunity to submit public comment in support of HB 1033, the Colorado Tamale Act.

This legislation represents a thoughtful expansion of Colorado’s homemade food framework. It strengthens economic opportunity, supports cultural food traditions, increases access to local food, and does so while maintaining clear and responsible safety standards.

Introduction

Selling cottage foods is a great way for entrepreneurs with big dreams but little capital to get started small in their own homes. The cottage food industry empowers individuals to produce and sell homemade foods, fostering entrepreneurship and economic growth within communities, and providing consumers with ethnically rich, local options. By allowing the sale of items made in home kitchens, these laws lower entry barriers for small-scale food producers, enabling them to test products and build customer bases without the significant overhead of commercial facilities.

Under current Colorado law, individuals may produce and sell certain homemade foods from their home kitchens. The law allows the sale of non-potentially hazardous, shelf-stable foods—items such as breads, cookies, cakes, jams, and other products that do not require time or temperature control for safety. These are known as cottage foods.

Producers must comply with labeling requirements and complete food safety education before selling their products. This framework has allowed small businesses to operate safely while contributing to local economies across the state.

However, the current statute contains limitations that unnecessarily restrict economic opportunity—and **HB 1033 responsibly addresses them.**

First, under existing law, producers are limited to selling only shelf-stable foods.

While these foods can be sold safely from home kitchens, many culturally significant and in-demand foods fall outside this category and are therefore prohibited, even when producers are willing to meet additional safety requirements. **HB 1033 modernizes the statute by expanding the types of homemade foods that may be produced and sold to include foods that require time and temperature control.**



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Importantly, this expanded opportunity is directly paired with additional education. Producers who choose to sell these foods must complete enhanced food safety training beyond what is required for shelf-stable products. Labeling requirements remain in place, and the Department retains authority to investigate complaints and enforce the law.

Experience from other states that allow broad homemade food sales—including perishable foods and meals—shows no confirmed cases of foodborne illness tied to food made under the apparatus of those laws.ⁱ The evidence demonstrates that homemade food sold under these frameworks has proven to be incredibly safe in practice.

Second, **current law imposes a \$10,000 annual gross sales cap per product.** A producer may sell up to \$10,000 of one item—such as cookies—but must stop selling that product once the cap is reached, even if there is continued consumer demand. If a producer offers multiple products, each one is capped individually.

This structure creates artificial ceilings on growth and unnecessary complexity, forcing entrepreneurs to limit production of successful items rather than scale in response to demand. **HB 1033 replaces this per-item cap with a flat \$150,000 annual gross sales cap.** While ideally revenue would not be capped at all—as many states have already recognized that food safety is not tied to income—raising the cap to a uniform level allows producers to grow sustainably and legally without being forced to halt sales of their most popular products.

These changes expand opportunity while maintaining explicit safety standards. They recognize that economic mobility often begins small—in a home kitchen—and that responsible growth should not be artificially constrained.

Expanding Opportunity

Cottage food entrepreneurs tend to be women of modest means, many living in rural areas and many with children at home.ⁱⁱ These are often individuals balancing caregiving responsibilities, part-time work, or other constraints that make traditional employment or large upfront investments difficult. Research shows that even relatively modest cottage food income can make a meaningful difference in household stability, helping families cover rent, utilities, medical expenses, and other essential costs.ⁱⁱⁱ For some families, this income provides flexibility during periods of reduced work hours or unexpected hardship.

Home-based food businesses also serve as incubators. They allow entrepreneurs to refine recipes, build a customer base, develop branding, and understand demand before transitioning to a shared commercial kitchen or brick-and-mortar storefront. By lowering the cost of entry, cottage food laws reduce the risk associated with starting a business.



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Rather than requiring tens of thousands of dollars upfront, they allow gradual, demand-driven growth.

Importantly, cottage food businesses keep money circulating locally. Producers often source ingredients from nearby farms and sell directly to consumers within their own communities. **That means revenue stays in Colorado rather than flowing to national chains.** Consumers benefit from greater choice, access to culturally significant foods, and relationships with the people who make their food. Producers benefit from direct customer feedback and strong reputational incentives to maintain quality.

Expanding Colorado's cottage food framework recognizes that economic mobility does not always begin with large-scale investment. Sometimes it begins with a kitchen, a family recipe, and an entrepreneurial spirit. HB 1033 strengthens that pathway. It allows responsible entrepreneurs to grow legally and transparently, creating income for themselves while contributing to local economic resilience.

About the Institute for Justice

My name is Ellen Hamlett, and I am an Activism Manager for the Institute for Justice, a national public-interest organization that has been involved in expanding opportunities for homemade food producers in Wisconsin and 25 other states. Through this work, I regularly engage with cottage food producers and track how proposed laws affect their ability to start, operate, and grow small businesses from home. This perspective is informed by both on-the-ground conversations with producers and broader trends in cottage food policy nationwide.

ⁱ McFonald, J. (2024). *New Data Show Homemade Food for Sale is Incredibly Safe*. Arlington, VA: Institute for Justice. <https://ij.org/report/new-data-show-homemade-food-for-sale-is-incredibly-safe/>

ⁱⁱ McDonald, J. (2017). *Flour Power: How Cottage Food Entrepreneurs Are Using Their Home Kitchens to Become Their Own Bosses*. Arlington, VA: Institute for Justice. <https://ij.org/wp-content/uploads/2017/12/Cottage-Foods-Report-Sep-2018.pdf>

ⁱⁱⁱ McDonald, J. (2018). *Ready to roll: Nine lessons from ending Wisconsin's home-baking ban*. Arlington, VA: Institute for Justice. <https://ij.org/report/ready-to-roll/>

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If this bill were to pass, it would open meaningful opportunities for me and my family by allowing me to earn sustainable income doing what I love. As the cost of living continues to rise, this additional income would help me support my family, contribute to my three kid's college educations, and save for retirement. Just as importantly, it would allow me to create flavorful recipes to meet dietary restrictions for clients that motivate them to stick with their prescribed dietary programs. Cooking is my passion, and this bill would give me the chance to turn that passion into a viable small business that serves others.

For these reasons, I respectfully urge you to support HB1033 and vote yes on the Colorado Tamale Act. Thank you for your time and consideration.

Sincerely,
Shannon Torrence
Erie, Colorado